

# Agenda

## Environmental Protection Commission

August 19, 1996

10:00 AM

Wallace State Office Building, Fourth Floor Conference Room

Public Participation

10:30 A.M.

### APPOINTMENT:

Tom Hadden - Des Moines Metro Landfill

11:00 A.M.

Bill Smith - Item 13A, DeCoster Referral

1:30 p.m.

### Agenda topics

- |   |                                  |
|---|----------------------------------|
| 1. Approve Agenda   |                                  |
| 2. Approve Minutes of July 15, 1996   |                                  |
| 3. Director's Report  | Larry Wilson (Information)       |
| 4. Budget Items FY 98-99  | Stan Kuhn (Information)          |
| 5. By-product and Waste Search Service (BAWSS) Contract   | Teresa Hay ( <b>Decision</b> )   |
| 6. Toxic Cleanup Days Contract Approval   | Teresa Hay ( <b>Decision</b> )   |
| 7. Landfill Alternatives Financial Assistance Program Applications  | Teresa Hay (Information)         |
| 8. Monthly Reports  | Allan Stokes (Information)       |
| 9. Interagency Agreement - Linn County Air Pollution Control Program  | Allan Stokes ( <b>Decision</b> ) |
| 10. Proposed Rule--Chapter 61, Water Quality Standards, Section 401 Certification of Section 404 Nationwide Permits | Allan Stokes (Information)       |
| 11. Notice of Intended Action--Chapter 20, Revision of Potential To Emit for Emergency Generators                   | Allan Stokes (Information)       |
| 12. Final Rule--Chapter 20, Potential to Emit for Country Grain Elevators   | Allan Stokes ( <b>Decision</b> ) |

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13. Referrals to the Attorney General

Allan Stokes **(Decision)**

- a) A.J. DeCoster (Wright County)
- b) TM & M Inc. Environmental Services (Fremont, Nebraska)
- c) Fernald Water Supply (Story County)
- d) Fred Humiston, dba Cedar River Trailer Park (Louisa County)

14. General Discussion

15. Address Items for Next Meeting

<b>Next</b>	September 16, 1996
<b>Meeting</b>	October 21, 1996
<b>Dates</b>	November 18, 1996

# ENVIRONMENTAL PROTECTION COMMISSION

Monday, August 19, 1996

NAME

COMPANY OR AGENCY

CITY

(PLEASE PRINT)

STEVE GUYER

IES INDUSTRIES

Cedar Rapids

Sandy GREINER

HOUSE EPC

KEOTA

Perry Beeman

DM Register

DM

Kristie Hirschman

CA/O

DSM

DAKE VEST

GROWMARK, INC

Bloomington, IL

Bobbie Thomas

State Center, IA

Elyzabeth Anderson

IDED

DSM

JACK Sooner

ABI

DSM

Amy Christensen

Sullivan & Ward

DM

JERRY FLEWLE

BIRP

WATERLOO

Hugh Espey

Iowa CCI

Des Moines

Jack B. Clark

Iowa Utility Assoc.

Des Moines

Christopher D. Hess

EPA

KC

Regina Thiry

Waterloo

McGraw Hill

F.D. MESSENGER

FORT DODGE

# ENVIRONMENTAL PROTECTION COMMISSION

Monday, August 19, 1996

NAME

COMPANY OR AGENCY

CITY

(PLEASE PRINT)

Marilyn Halterman	1905 Duke St	Carlisle In
Vernon Humerdoss	1351 Quebec St	Indianola
Peterck Hulley	Lee Newspapers	DM
Chris Gault	Farm Bureau	WDSM
Mary Jane Gray	MWA Board	Johnston
Tom Hadden	MWA Staff	DM
Catherine Huggins	MWA Staff	DSM
P.C. Mathis	MWA Board	Elkhart
FRED THIES	MWA STAFF	D.M.
CAL WOODS	WOI-TV	DM
Myron Lawler	DeCoster Farms	Coulter
Bill Smith	Smith Law Firm	Des Moines
Dave Dortch	AG's Office	Des Moines
Joe Hrdlicka	Schreuer Assoc	DM
Jon Ferchen		

RECORD COPY *EPL Meeting*  
File Name *A DM-1-1-1 August 1996*  
Senders Initials *JS*

**MINUTES**  
**OF THE**  
**ENVIRONMENTAL PROTECTION COMMISSION**  
**MEETING**

**AUGUST 19, 1996**

**WALLACE STATE OFFICE BUILDING**  
**DES MOINES, IOWA**

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## MEETING MINUTES

### CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairperson King at 10:00 a.m. on Monday, August 19, 1996, in the Wallace State Office Building, Des Moines, Iowa.

### MEMBERS PRESENT

Verlon Britt  
William Ehm  
Rozanne King, Chair  
Dean McWilliams  
Charlotte Mohr, Secretary  
Kathryn Murphy  
Gary Priebe, Vice-Chair  
Terrance Townsend  
Rita Venner

### COMMISSIONER APPOINTMENT - RITA VENNER, DEAN MCWILLIAMS

Director Wilson introduced new Commissioners Rita Venner and Dean McWilliams, replacements for Kathryn Draeger and Michael Fesler.

### ADOPTION OF AGENDA

The following adjustments were made to the agenda:

- Add: Appointment - Bill Smith (Item #13-A, A.J. DeCoster referral) 1:30 p.m.

*Motion was made by Charlotte Mohr to approve the agenda as amended. Seconded by Terrance Townsend. Motion carried unanimously.*

APPROVED AS AMENDED

### APPROVAL OF MINUTES

*Motion was made by Charlotte Mohr to approve the meeting minutes of July 15, 1996, as presented. Seconded by Terrance Townsend. Motion carried unanimously.*

APPROVED AS PRESENTED



## **DIRECTOR'S REPORT**

Director Wilson asked Terrance Townsend to report on a recent trip taken by Commissioners Townsend and Ehm, and the Director, to the Des Moines Metro Landfill.

Commissioner Townsend reported that the visit to the landfill took place on July 30, noting that the landfill was given very little advance notice of the tour. He related that Tom Hadden and his engineer reviewed their plans for the landfill for the future and they then toured where the current composting is done and where future composting will take place. Commissioner Townsend related that some negative comments were made at last month's Commission meeting but the day he, Commissioner Ehm and Larry Wilson toured the landfill there was no particular odor nor was there any problem with litter. He added that he realizes that there are days when things are worse and probably even days when things are better, but for the amount of tonnage handled by the landfill it seemed to be very well run. He noted that Mr. Hadden commented that part of the problem with the composting was the grass was coming in fairly wet and smelly to begin with.

Commissioner Ehm commented that there were concerns heard at last month's meeting about the huge size of compost being stockpiled at the landfill, and he related that the pile would not even be enough to cover the acres where they are planning to use it. He related that the landfill was not offensive in terms of odor and that they seem to have a well thought out plan for the future.

Director Wilson distributed copies of a brochure entitled "DNR Clean Air Gazette" which was developed by the Air Quality Bureau. He noted that the Commission will be hearing about the proposal for the USDA Swine Research Farm near Big Creek. He related that the department provided a response to the Environmental Assessment on that site and made the following recommendations: 1) to seriously consider moving the facility out of the Big Creek Lake watershed; and 2) that an Environmental Impact Statement be prepared.

Mr. Wilson stated that he would like the Commission to consider a joint, informal evening meeting with the Commission of the Department of Economic Development in November. He noted that the meeting would cover areas where the two departments work cooperatively on various issues.

Director Wilson presented an overview of the Landfill Alternatives Financial Assistance Composting Initiative designed to assist Iowa's solid waste planning areas achieve the 50% waste reduction goal. He expanded on details of the the program and distributed copies of a booklet on same.

<b>INFORMATIONAL ONLY</b>
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## **FINANCIAL STATUS REPORT - YTD DIVISION EXPENDITURES**

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

Department staff are preparing the FY98/99 budget request. Staff expect to present the request to both commissions for approval in September. By statute, the request is due at the Department of Management on October 1, 1996.

The DNR's budget includes the following general areas; Operations, Groundwater program; Capitals; and several minor dedicated programs.

The current FY97 operations budget totals \$64 million, \$13.3 million of which involves State General funds. Other major appropriations include \$9 million for REAP and \$1.8 million for Marine Fuel capitals.

At this juncture, staff anticipates recommending the following additions or changes as compared to FY97 funding levels.

**Livestock Management:** The 1996 G.A. authorized a total of 9 FTE and \$374,600. Current funding will support about 6 FTE plus support. Staff anticipates requesting sufficient General funds to support 9 FTE with the total request estimated at about \$525,000.

**Permit Assistance Team:** The 1996 G.A. authorized 4 FTE and provided \$150,000. This is sufficient for 2.5 FTE and minimal support. Staff anticipates requesting \$300,000 from the General fund to continue this program at full staffing and funding.

**Waste (NPDES) System Permitting and Regulation:** This program is funded through FY97 with federal funds. After federal funds are exhausted, it will be necessary to identify approximately \$700,000 to continue waste system management at current staffing levels. Staff anticipates requesting a combination of State general funds or user fees to continue this program.

**Air Quality:** Ten FTE are being added to this program in FY97, funded by air toxics fees, to handle the rapidly increasing workload. Staff anticipates requesting an additional increment of 5 FTE in FY98 for the same reason with the same funding.

The State match for Air Quality federal aid in FY97 is coming from a combination of a transfer from the Hazardous Waste Remedial fund (\$430,000) and a federal waiver for the use of toxics fees as part of the State match. The waiver authority will expire, and the use of Hazardous Waste Remedial funds will negatively impact the State's ability to respond to serious waste releases. The State anticipates requesting State General funds of approximately \$600,000 as match to continue the current Air Quality program.

**Floodplain Management:** Floodplain management, primarily construction permit review, is slow due to limited staffing. Little has been done relative to dam safety inspections or floodplain

mapping. Staff anticipates requesting two additional positions to be funded by the State general fund to address this workload concern.

**Conservation Law Enforcement:** Current law requires the DNR to add conservation officers if sufficient funds are available from the sale of non-resident deer and turkey permits. Additional officers will be requested if supported by sales projections.

**Parks and Forestry:** Maintenance equipment replacement in both divisions has been deferred due to budget limits. Staff anticipates requesting special equipment replacement funding of \$250,000 for parks and \$175,000 for forestry.

**REAP Appropriation:** The FY97 REAP appropriation is \$9 million. The recent REAP Congress recommended an annual appropriation of at least \$20 million. Staff anticipates recommending an appropriation of \$11 million.

**Marine Fuel Tax Capitals:** The FY97 MFT appropriation is \$1.8 million. Staff anticipates fully utilizing the current revenue stream of approximately \$2.5 million per year by requesting \$2.1 for capitals. (\$.4 million supplements the Parks operating budget.) This increment would be directed toward lake restoration.

**Other Programs:** The staff anticipates requesting funding to maintain all other programs at existing levels. No increases in license or registration fees is expected. Decision package priorities are expected to be similar to last year's request.

Additional budget data will be provide either at or prior to the meeting.

(A copy of the additional budget data including the decision package and priority schedule is on file in the department's Records Center)

Mr. Kuhn reviewed details of the budget request and asked the Commissioners to let him know if they have any concerns with the budget. He related that the budget will be presented to the Commission for their approval at the September meeting.

Charlotte Mohr inquired as to whether it would be more economically feasible to build new structures rather than renovate the old Civilian Conservation Corps (CCC) buildings.

Director Wilson stated that the legislature approved a three million dollar appropriation for parks improvements and that money will focus mostly on CCC project renovations. He also mentioned that most of the CCC facilities are on the State Historical list or National Registry of Historic Places and they should be preserved as part of the heritage of the state parks system.

INFORMATIONAL ONLY
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**BY-PRODUCT AND WASTE SEARCH SERVICE (BAWSS) CONTRACT**

Teresa Hay, Division Administrator, Waste Management Assistance Division, presented the following item.

The By-product and Waste Search Service program is funded with solid waste tonnage fees as established in Iowa Code 455B.310. This program facilitates waste exchanges from generator industries to other industries or to recyclers that can use the waste material as a raw material. This diverts materials from Iowa sanitary landfills and results in an economic benefit for both the waste generator and the processor. Applications for grant assistance are reviewed by representatives from the Department, the Iowa Department of Economic Development, and the Iowa Waste Reduction Center. Since the inception of the program in 1990, materials valued at an estimated \$3 million have been diverted from disposal for beneficial reuse.

The BAWSS representative located at North Iowa Area Community College in Mason City serves all of eight counties and portions of two additional counties in north central Iowa. This contract will continue BAWSS services to these 10 counties. This contract will also coordinate the contract ending date to coincide with the ending dates of the other BAWSS contracts.

At this time, the Commission is requested to approve the contract with North Iowa Area Community College to continue BAWSS services throughout north central Iowa.

**ARTICLE VI. SCOPE OF WORK**

The Contractor shall perform in a satisfactory and proper manner the work and services outlined by this agreement.

- 6.1 In order to successfully operate the waste exchange program and complete waste exchange activities in the regions funded through this Contract, the Contractor shall provide the following staffing: Margo Underwood, BAWSS Representative, 16 hours weekly and Kathy Showalter 4 hours weekly with additional support staff time of a secretary at 6 hours a week.
- 6.2 The primary service area for the Contractor shall include Butler, Cerro Gordo, Floyd, Franklin, Hancock, Kossuth, Mitchell, Winnebago, Worth, the portions of Wright and Hardin Counties that lie within the boundaries of the community college boundaries.
- 6.3 The Contractor's activities shall include promoting the use of pollution prevention, waste reduction, reuse, recycling, and the waste exchange program to regional business and industry. These activities **will include, but not be limited to,** one-on-one education and interaction at business and industry sites, referrals to the IWRC and the Department's WRAP program and other appropriate programs.

- 6.4 The Contractor shall conduct active searches for generators and users of hazardous and non-hazardous materials which would otherwise be sent to landfills or kept in storage.
- 6.5 The Contractor shall use available resources to facilitate the matching of generators with users. This will include, **but not be limited to**, the following: identifying/communicating with those operating recycling or material collection or related industries; communicating with business and industry personnel with exemplary pollution prevention, waste reduction and recycling programs and educating all interested parties about the BAWSS program; using resources explained and/or provided through workshops and meetings.
- 6.6 The Contractor shall facilitate matches of materials between generators and users. This **will include, but not be limited to**, the following: through on-site visits and phone calls, identify hazardous and non-hazardous materials purchased and/or being sent to landfills or other disposal sites by companies, and encourage those companies to work with each other to transfer material.
- 6.7 The Contractor shall facilitate matches of hazardous materials whenever possible. If the Contractor has any questions on hazardous or potentially hazardous materials, IWRC staff should be consulted. The Contractor is not responsible for nor should he or she become involved in hazardous waste determinations or related work, such as giving regulatory advice.
- 6.8 The Contractor, working with the IWRC as appropriate, shall strive to assist at least 7 companies with hazardous materials during the program term and actively work to transfer those materials for appropriate reuse.
- 6.9 The Contractor shall strive to complete BAWSS initiated matches to transfer materials for reuse or recycling at a cost of \$50/ton or less.<sup>1</sup> (The Contractor's personal goal is a cost of \$35/ton or less.)
- 6.10 The Contractor shall strive to accomplish an average of 13 industry visits monthly during the term of this contract with a minimum of 1 day a week dedicated to on-site visits. Follow-up service must be provided as needed. The Contractor will provide a BAWSS brochure to 250 manufacturing companies in the region through on-site visits or by mailings.
- 6.11 A follow-up letter, fax, or phone call with meeting conclusions and resource opportunities for the company will be provided to the business no later than ten working days after the contact.
- 6.12 The Contractor shall track and document all work (see "Reports and Other Documentation" Article VIII.).

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<sup>1</sup> This figure is calculated by dividing the total number of tons diverted into total grant dollars expended for the 21 month project.

- 6.13 The Contractor shall be required to keep detailed information about all new markets identified (see "Reports and Other Documentation" Article VIII). Before referring generators of potentially hazardous materials to a market (e.g., drum reconditioners, waste recyclers, brokers, and other businesses who have never been researched by IWRC as to their waste handling prodders) the Contractor shall be required to contact the IWRC.
- 6.14 The Contractor shall write a one page case study yearly to be submitted with the second quarterly report which can be used to publicize BAWSS. (See Attachment B for content requirements.)
- 6.15 The Contractor shall adequately publicize BAWSS and explain its services and provide information on its successes. The Contractor shall strive to give presentations during the program term and/or sponsor seminars/workshops targeting business clubs and organizations, business committees and other appropriate audiences with relationships to business and industry.
- 6.16 The Contractor shall be required to meet with and educate community officials and other interested parties such as economic development agencies, chambers of commerce, city and county government offices (including solid waste), and landfills about the need for pollution prevention, waste reduction, reuse and recycling and assist them in understanding the goals and benefits-- both environmentally and economically of BAWSS including its emphasis on the diversion of valuable non-hazardous and hazardous materials from landfills and other disposal sites. The primary objective is to secure support for the waste exchange and identify industry needs and accomplish diversion of materials from landfills and other disposal sites.
- 6.17 The Contractor shall work cooperatively with the Department, IWRC and all Contractors in the waste exchange program. This, in part, includes ongoing communication with all involved parties; participation by all Contractors (the regional representative from the region funded through the grant) in the training workshops, meetings, and telenets (conference calls); communication with IWRC staff for technical assistance and on a monthly basis through reports; and quarterly progress reports to the Department and the IWRC (see "Reports and Other Documentation" Article VIII).
- 6.18 During the contract term, the Contractor shall attend the Iowa Recycling Association (IRA) annual conference and at least one other IRA meeting or another state, regional or national conference approved by the DNR.

**ATTACHMENT A**  
**NORTH IOWA AREA COMMUNITY COLLEGE**  
**BUDGET FOR OCTOBER 1, 1996 TO JUNE 30, 1998**

**Cost Description**

**Grant Funds**

Personnel	\$38,539
Travel, Postage, Phone	\$3,300
Education, Training for business	\$900
Total Direct Costs	\$42,739

Ms. Hay explained details of the contract.

*Motion was made by William Ehm to approve the By-Product and Waste Search Service Contract with North Iowa Area Community College as presented. Seconded by Kathryn Murphy. Motion carried unanimously.*

**APPROVED AS PRESENTED**

### TOXIC CLEANUP DAYS CONTRACT APPROVAL

Teresa Hay, Division Administrator, Waste Management Assistance Division, presented the following item.

The Department of Natural Resources issues a request for proposal (RFP) for hazardous waste collection services at a minimum once every two years for the Toxic Cleanup Day (TCD) program. Proposals were recently solicited from forty-two hazardous waste firms that had indicated their interest in handling TCD Day events. After careful evaluation, the following top three firms were selected for consideration from the ten proposals that were submitted in response to the RFP. The firms and their quotes for a hypothetical cleanup day event are as follows:

- |    |                                       |          |
|----|---------------------------------------|----------|
| 1. | Laidlaw Environmental Services, Inc.  | \$12,908 |
| 2. | Heritage Environmental Services, Inc. | \$10,765 |
| 3. | Rollins Environmental                 | \$12,206 |

The proposals were evaluated on a number of criteria including the ability of a firm to: adequately staff the collection sites, ensure proper safety measures are taken, and provide technical expertise. The proposals were also evaluated on the cost of operating a collection event. Cost was evaluated by a schedule of fees for services and materials as well as a cost estimate for a hypothetical collection event (based on information provided in the RFP). After evaluating the written proposals, the top three firms were then interviewed. All three firms were scored on their responses to a series of ten questions. These scores were then totaled with the scores from the review of their written proposals for an overall total score.

Upon review of the written proposals and interview responses, Laidlaw Environmental Services, Inc. had the highest overall total score. This was due primarily because Laidlaw included a

detailed safety plan and general operating procedures, policy for handling of non-hazardous materials and a contingency plan for waste they are not licensed to handle. The Heritage and Rollins proposals included all the required information but failed to provide the level of detail that the Laidlaw proposal contained.

The Laidlaw bid was not the lowest of the three for the cost of the hypothetical event but they still had the highest overall point total. The high marks that they received in the technical categories for running a household hazardous waste collection event makes Laidlaw the best possible choice for TCD events to be held in fiscal year 1997.

A clause has been added to the contract to provide for a one year extension to cover TCD events during fiscal year 1998. Provisions for this extension will be based on the performance of the hazardous waste contractor during TCD events in fiscal year 1997 as reflected in Article IX.

The total cost of the collection events is estimated to be up to \$340,000. The Department will pay up to \$312,925 of this cost, with the remainder of the cost being paid by the local communities. The TCD schedule for Fall 1997 is as follows:

September 7, 1996	Clarke County Clarke County Maintenance Shop Osceola, Iowa
	Monona County Monona County Recycling/Transfer Station Turin, Iowa
September 14, 1996	Benton County O'Grady Chemical Corporation Van Horne, Iowa
	Marshall County Marshalltown Community College Marshalltown, Iowa
September 21, 1996	Delaware County Delaware County Fairgrounds Manchester, Iowa
	Jones County Wyoming Fairgrounds Wyoming, Iowa
September 28, 1996	Des Moines County Des Moines County Fairgrounds Burlington, Iowa



Washington County  
Washington City/County Recycling Center  
Washington, Iowa

A draft scope of work for the contractor is attached. Approval for the director to enter into a contract with Laidlaw Environmental Services, Inc. is requested.

## **ARTICLE V. SCOPE OF WORK**

5.1 The Contractor shall provide qualified personnel and sufficient equipment at each of the Toxic Cleanup Day sites for the identification, segregation, packaging and transportation of hazardous wastes. The Contractor shall be solely responsible for final segregation, packaging and manifesting of waste. Local Organization staff shall be responsible for assisting Contractor staff in off-loading waste from vehicles to the final segregation and packaging area.

5.2 The Contractor shall accept wastes for transportation and disposal from individuals as designated by the representative of the Department at the site. A limit of 220 pounds or 25 gallons of waste will be accepted from each household except as directed by the Department or Local Organization representative. The Contractor shall accept waste only from urban and rural residents. This service is not for businesses, city or county governments or schools.

5.3 The Contractor will not be responsible to accept the following wastes: Explosives, shock sensitive materials, ammunition, unknowns, radioactive materials, medical waste, Freon 11 and 12, large amounts of PCB's and asbestos.

5.4 The Local Organizations shall make appointments for citizens to deliver household hazardous wastes to the collection site. The Local Organizations will keep records of the number of appointments, estimate the types and quantities of household hazardous waste that will be delivered to the event and the citizens name and phone number. This information shall be made available to the Department and the Contractor.

5.5 The Contractor shall visit each Toxic Cleanup Day location prior to the events occurring. The Contractor shall have staff available to assist the Department with the appointment system. This assistance shall include providing technical assistance on disposal of household hazardous wastes. The Contractor shall assist the Department in estimating the cost of disposing of household hazardous wastes that are scheduled by appointment to be delivered to the collection site, at the end of each appointment day or as otherwise requested.

5.6 The Contractor shall provide training to the Department and the Local Organization staff to include, at a minimum, training on the use of protective clothing, basic safety handling procedures for household hazardous waste, and basic safety procedures as referenced in Attachment B. The Contractor will provide an adequate supply of protective clothing and an

adequate supply of safety equipment to furnish a minimum of three safety stations for use by the Local Organization and Department staff.

5.7 A representative of the Department will inform the Contractor before the beginning of each Toxic Cleanup Day of the amount of funding allocated to the specific site being serviced. The Department or Local Organization shall curtail operation upon the approximation of the allocation limit. The Service may continue if directed by the Department representative on site. If directed to continue Service beyond the original allocation limit, the Department or Local Organization will compensate the Contractor for any expenses incurred. The Contractor shall not incur costs to the Department or Local Organizations exceeding the total amount budgeted as stated in Article VIII Section, - K Funding.

5.8 The Department has the right to have a designated representative observe Contractor operations at any Toxic Cleanup Day event to determine whether or not non-regulated, non-hazardous or non-licensed wastes are being handled and packed in a responsible and efficient manner.

5.9 The Contractor shall be deemed the generator of all wastes accepted at the Toxic Cleanup Days for the purpose of federal, state and local laws and regulations.

5.10 The Contractor shall have a valid Environmental Protection Agency identification number as appropriate for generation, transportation and storage of hazardous and acutely hazardous wastes and approval for the wastes to be disposed of at EPA and Contractor approved disposal sites.

5.11 The Contractor shall have liability insurance in effect for claims arising out of death or bodily injury and property damage from hazardous and acutely hazardous waste transport, storage and disposal, including automobile liability, and legal defense costs, as evidenced by a certificate of insurance satisfactory to the Department delivered to the Department not later than fourteen (14) days prior to the beginning day of collection.

5.12 The Contractor shall package and manifest the waste collected each collection day by the end of the collection day if possible or by the end of the next day if the amount of waste collected requires more time for packing and manifesting. The Contractor shall transport the wastes from the site within 48 hours of the end of the final day of collection.

5.13 The title of all waste accepted by the Contractor at the site shall pass directly from the individual to the Contractor at the time of its acceptance.

5.14 The Contractor shall indemnify, hold harmless and defend the Department and Local Organizations from and against any liabilities, claims, penalties, fines, forfeitures, suits, and the costs and expenses incident thereto which may be alleged against the Department or Local Organizations or which the Department or Local Organizations may incur, become responsible for, or pay out as a result of death or bodily injury to any person, destruction or damage to any property, contamination of or adverse effects on the environment, or any violation or alleged

violation of governmental laws, regulations or orders, to the extent that such damage was caused by Contractor's negligent, willful or intentional act or omission, breach of contract or a failure of Contractor's warranties to be true, accurate or complete.

5.15 The Department and the Contractor shall have a conference at the end of each Toxic Cleanup Day collection season to discuss any problems, changes or additions that need to occur in the Toxic Cleanup Day events.

5.16 The Contractor's bid, in response to the Department's Request for Proposal for subject services is hereby incorporated as Attachment A.

#### **ARTICLE VI. Toxic Cleanup Day Schedule**

September 7, 1996

Clarke County  
Clarke County Maintenance Shop  
Osceola, Iowa

Monona County  
Monona County Recycling/Transfer Station  
Turin, Iowa

September 14, 1996

Benton County  
O'Grady Chemical Corporation  
Van Horne, Iowa

Marshall County  
Marshalltown Community College  
Marshalltown, Iowa

September 21, 1996

Delaware County  
Delaware County Fairgrounds  
Manchester, Iowa

Jones County  
Wyoming Fairgrounds  
Wyoming, Iowa

September 28, 1996

Des Moines County  
Des Moines County Fairgrounds  
Burlington, Iowa

Washington County  
Washington City/County Recycling Center  
Washington, Iowa

## **ARTICLE VII. REPORTS**

7.1 The Contractor shall submit a copy of a final report describing all activities performed and a summary of wastes collected. This report shall include information as described in Article V, Scope of Work, and meet all the Department requirements. Also included in the report shall be information on the amount of waste collected, pounds, volumes, number and type of container, the type of waste (hazard or DOT classification), its disposal destination and disposal method utilized for the particular wastes. The weight of the containers and packaging for purposes of transportation or disposal. Definitions of all waste classification and disposal methods shall be included in the report. Information for the report shall be on a per site basis. Contractor shall submit a final report within thirty (30) days following the last collection event.

7.2 The Contractor shall furnish to the Department and Local Organizations a detailed and documented description of all prices and expenses for the Services.

7.3 The Contractor shall furnish copies of the hazardous waste manifests to the Department following the disposal of the wastes.

## **ARTICLE VIII. FUNDING**

8.1 The Department and Local Organizations agree to pay the Contractor for the Service in accordance with this Contract and with the cost schedule included in the proposal submitted by the Contractor. The Department and Local Organizations agree to pay Contractor for the services rendered up to the following limits:

A. Benton County agrees to pay for the first \$2,910 of the cost of the Service for the event in Benton County.

B. Clarke County agrees to pay for the first \$1,630 of the cost of the Service for the event in Clarke County.

C. Delaware County agrees to pay for the first \$3,000 of the cost of the Service for the event in Delaware County.

D. IDNR agrees to pay \$35,000 of the cost of the service for the event in Des Moines County.

E. Jones County agrees to pay for the first \$2,535 of the cost of the Service for the event in Jones County.

F. Marshall County agrees to pay for the first \$10,000 of the cost of the Service for the event in Marshall County.

E. Monona County agrees to pay for the first \$2,000 of the cost of the Service for the event in Monona County.

F. Washington County agrees to pay for the first \$5,000 of the cost of the Service for the event in Washington County.

G. The Department agrees to pay for the remaining costs of the service for the events in the counties of Benton, Clarke, Delaware, Jones, Marshall, Monona and Washington up to \$277,925. The Department may authorize the contractor to accept waste from counties other than the county in the above specified event at the discretion of the Department up to an additional \$25,000 for the rendering of these services. The maximum amount the Department agrees to pay at its discretion is \$312,925.

H. The Department is presently taking proposals from counties for additional Toxic Cleanup Days at a cost to be determined at a later date. The servicing of the additional Toxic Cleanup Days shall be on the same basis as set forth in this contract. The additional Toxic Cleanup Days shall be designated by May 1, 1997. In the event the Department decides not to proceed with the additional Toxic Cleanup Days to be specified by the above date, this provision of the contract shall be null and void.

8.2 A final bill for Services rendered as part of Toxic Cleanup Days shall be submitted by November 4, 1996, for collection events conducted during the Fall of 1996. A separate bill shall be sent to the Department and the Local Organizations. A bill for Services rendered for Spring 1997 events shall be sent to the Department and the Local Organizations by July 1, 1997.

8.3 The Department or the Local Organizations shall make payments to the Contractor within thirty (30) days of receipt of the final bill and receipt of the report.

8.4 The Department shall provide the Contractor with State of Iowa vouchers to be filled out with an original with three (3) carbonized vouchers underneath it.

8.5 The Department will be responsible for all costs not covered by Local Organizations as stated in Article VIII for the Services rendered at the Toxic Cleanup events.

8.6 The Local Organizations shall be responsible for costs stated in Article VIII.

#### **ARTICLE IX. Contract Extension**

9.1 The Department may extend the term of this contract to cover Toxic Cleanup Day events in fiscal year 1998. This decision will be based on the performance of the Contractor during fiscal year 1997 Toxic Cleanup Day events. The Department will notify the Contractor of such an extension by June 1, 1997.

#### **ARTICLE X. Contract Distribution**

10.1 Two master copies of the agreement will be furnished to the Contractor and the Department. Duplicate copies which will be considered as originals will be sent to each of the county participants.

Ms. Hay reviewed details of the contract and explained how the chosen firm was selected.

Brief discussion followed.

*Motion was made by Charlotte Mohr to approve the Toxic Cleanup Days contract with Laidlaw Environmental Service, Inc., as presented. Seconded by Verlon Britt. Motion carried unanimously.*

**APPROVED AS PRESENTED**

#### **LANDFILL ALTERNATIVES FINANCIAL ASSISTANCE PROGRAM APPLICATIONS**

Teresa Hay, Division Administrator, Waste Management Assistance Division, presented the following item.

The Department received thirty-five (35) applications for financial assistance consideration during the June 1996 application period. These thirty-five applicants requested over \$10 million in financial assistance.

Upon review of the applications, nine (9) were selected to receive \$1,766,944 in grants and zero interest loans. A summary of each selected project is attached for the Commission's information. Contracts will be brought to the Commission for approval beginning with the September 1996 meeting.

**LANDFILL ALTERNATIVES FINANCIAL ASSISTANCE PROGRAM  
APPLICATIONS SELECTED -- JUNE 1996 ROUND**

The following Landfill Alternatives Financial Assistance Program project proposals have been selected to receive financial assistance. Thirty-five (35) applications were received requesting over \$10 million. Nine (9) projects were selected to receive a total of \$1,766,944 in grants and zero interest loans.

**Applicant:** W.G. Block Company -- Judi Brooks -- 319-326-1651

317 E. 4th Street

P.O. Box 3010

Davenport, Iowa 52808-3010

Scott County

**Project Type:** Recycling - Waste Concrete

**Award:** \$90,498 - Loan

**Description:** The applicant will implement a system to recover sand and aggregate from concrete paste at the end of each load. The project involves unloading waste concrete from their trucks into a large cylinder of rotating screens. A spray bar at the center of this cylinder separates the sand and aggregate from the concrete paste mixture. Once separated, the washed aggregate passes to the end of the cylinder via the rotary action of the screens where it falls into a hopper and is stockpiled for removal to the ready mix plant for reuse. The sand is washed through the screens and is flushed to the base of an inclined screw where it is dewatered as it is conveyed to a stockpile for removal to the ready mix plant for reuse. The remaining slurry is directed to a series of settling ponds where the cement settles out and can be used as construction fill material. The waste water will be reused to wash out the trucks and in the reclamation process.

It is estimated that the applicant will recycle 4,800 tons of waste concrete annually and realize a significant economic savings through avoided disposal costs and avoided sand and aggregate purchases. Financial assistance is awarded for equipment and building and utility modifications.

The applicant has not received previous financial assistance through this program.

**Applicant:** Floyd-Mitchell Solid Waste Management Agency-- Betty McCarthy -- 515-732-5861

3354 330th Street

P.O. Box 32

Osage, Iowa 50461

Mitchell County

**Project Type:** Education - Waste Reduction and Recycling

**Award:** \$32,560 - Grant

**Description:** The applicant is proposing to develop and implement a comprehensive education program on waste reduction and recycling in Floyd, Mitchell and Chickasaw Counties in an effort to reach the 25% reduction goal. This comprehensive education program will target the general public, schools, business, industry and governmental agencies. As part of the program, a speakers bureau will be developed including solid waste officials, solid waste haulers, recycling center representatives, etc. The applicant also proposes to develop curbside recycling programs, including unit-based programs, in communities that do not currently have such a program. Financial assistance is provided for educational materials and presentations.

The applicant has not received financial assistance through this program.

**Applicant:** Bioengineering Resources, Inc. -- James Gaddy -- 501-521-2745

1650 Emmaus Road

Fayetteville, Arkansas 72701

Cryotech Deicing Technology -- Kenneth Johnson -- 319-372-6012  
 6103 Orthoway  
 Fort Madison, Iowa 52627-9415  
 Lee County

**Project Type:** Research and Development/Demonstration -- Manufacture of Environmentally Friendly Acetic Acid Deicers  
 From Municipal Solid Waste

**Award:** \$592,680 - Grant

**Description:** The applicant, in a joint \$13 million project with Cryotech Deicing Technology and Great River Regional Waste Authority both of Fort Madison, is proposing to construct a system that will produce calcium magnesium acetate (CMA) and potassium acetate (KA) from organic municipal solid waste at the Cryotech facility. CMA and KA are deicers designed to replace the use of environmentally destructive rock salt and glycol on roads and runways. MSW received at Great River Regional Waste Authority's landfill in Fort Madison will be sorted, removing recyclables and non-organics before it is processed and delivered to Cryotech. Once received at the project site, the material will be gasified to produce a synthetic gas (predominantly carbon monoxide, hydrogen, and carbon dioxide). These gases are then converted to acetic acid through a fermentation process in a biological reactor. Finally, CMA and KA are produced by a reaction of acetic acid with lime or potassium hydroxide. Cryotech currently has a major market share worldwide in road and runway deicers and the cost of manufacturing acetic acid deicers has limited their manufacture and use. Economic projections of the project indicate that CMA and KA can be marketed at a price comparable to rock salt and glycol. When considering such factors as corrosion resulting from the use of rock salt and the environmental hazards of glycol, the cost of CMA and KA is considerably less.

The project will initially require 50 tons of processed MSW daily from Great River Regional Waste Authority which will significantly extend the life of the landfill. At full scale, the project will require over 320 tons per day of processed MSW. Financial assistance is required for equipment selection and purchase and tipping floor expansion.

Bioengineering Resources, Inc. and Cryotech Deicing Technology have not received previous financial assistance through this program. Great River Regional Waste Authority has received 2 previous awards serving a 3 county area. These awards are outlined below.

June 1992	\$195,185	To expand the recycling center and provide additional curbside, drop-off and commercial recyclable materials collection.
December 1994	\$102,625	The purchase of a wood waste grinder to expand the successful wood waste recycling program and expand marketing agreements with other solid waste agencies

**Applicant:** Spectrum Industries -- Chris Frantsvog -- 319-382-8401  
 105 Railroad Avenue  
 Decorah, Iowa 52101  
 Winneshiek County

**Project Type:** Recycling Vehicle Replacement

**Award:** \$22,720 - Loan

**Description:** The applicant is proposing to replace the existing 1/2 ton pick-up used in the collection of recyclables with a new vehicle equipped with a hydraulic lift. The new vehicle will enable the applicant to begin a collection route for commercial solid waste generators by allowing the delivery and pick-up of large recycling containers including collection of baled and palletized recyclable materials and white and brown goods. The new vehicle will be dedicated for recyclable collection and is expected to result in the collection of an additional 240 tons of



recyclables per year. The recycling facility currently processes approximately 2,000 tons of recyclables annually. Financial assistance is requested for the collection vehicle with modifications and a pallet jack.

The applicant has received three previous awards through this program. This project will expand collection services to currently unserved solid waste generators, increase the amount of recyclables collected and processed by the applicant and supports projects previously receiving financial assistance. These awards are outlined as follows:

Fall of 1990	\$68,380	To expand recycling operations.
June 1994	\$30,690	To implement a recyclable materials collection program targeting schools, and populations with low recycling participation rates (elderly, low income and handicapped residence facilities).
June 1995	\$1,215	To purchase a display unit to assist in and improve public education presentations.

**Applicant:** Elderbridge Agency on Aging -- Jeanne Beatty -- 515-424-0678

22 North Georgia - Suite 216  
Mason City, Iowa 50401-3435  
Cerro Gordo County

**Project Type:** Waste Reduction - Reusable Meal Program

**Award:** \$87,232 - Grant

**Description:** The proposed project involves improving and initiating reusable meals programs in 20 north central and west central Iowa counties. The applicant is responsible for the daily preparation of 3,000 meals at 59 different locations (750,000 meals annually). Meals are served at congregate meal sites as well as home delivered meals. Goal is to reduce by 66% the daily generation of solid waste, from three 30 gal trash bags to one 30 gallon trash bag per site per day in addition to the daily reduction of solid waste generated through the 1,000 home delivered meals served daily.

The applicant has not received previous funding through this program.

**Applicant:** Dubuque Metropolitan Area Solid Waste Agency -- Paul Schultz -- 319-589-4250

925 Kerper Boulevard  
Dubuque, Iowa 52001  
Dubuque County

Tellus Institute -- David McAnulty --617-266-5400  
11 Arlington Street  
Boston, Massachusetts 02116

**Project Type:** Research & Development/Demonstration - Local Analysis of Solid Waste Management Systems

**Award:** \$78,354 - Grant

**Description:** The applicants (Dubuque Metropolitan Area Solid Waste Agency and Tellus Institute) along with Iowa Northland Regional Council of Governments, Rural Iowa Waste Association and Harrison County Landfill Commission are proposing to demonstrate a computer based software program that will enable local solid waste officials to track solid waste generation, solid waste landfilling, develop new and modify existing programs for diverting solid waste from the landfill based on computer modeling. The project will demonstrate how local programs could be modified and provides expected results of the modifications without incurring study and analysis costs or implementing program modifications without fully understanding the consequences and costs. Once the project has been implemented in the four demonstration

areas, results will be presented at an ISOSWO conference, the computer software will be given to all solid waste planning areas and a two day workshop will be conducted to provide planning area representatives experience in the use and application of "WastePlan" to build models of their local waste management systems for evaluating solid waste planning issues. Financial assistance is provided for labor and travel.

Rural Iowa Waste Association and Tellus Institute have not received previous funding through this program.

Dubuque Metropolitan Area Solid Waste Agency has not received previous financial assistance. However, the City of Dubuque received a previous award and is outlined as follows:

December 1991 \$274,650 To implement curbside recycling serving 18,000 households.

Harrison County Landfill Commission has received 2 previous awards that are outlined below:

December 1992 \$50,130 To implement a county wide recyclable material drop-off program.

December 1995 \$1,814 To implement a comprehensive education on waste reduction and recycling.

**Applicant:** South Central Iowa Solid Waste Agency -- Pete Duffy -- 515-828-8545  
1305 East Walnut 1736 Highway T17  
Tracy, Iowa 50256  
Marion County

**Project Type:** Public Education - Waste Reduction and Recycling Program Development

**Award:** \$269,400 - Grant

**Description:** The applicant is proposing a well developed four-year education project on integrated solid waste management targeting specific sectors (residential, industrial, commercial and institutional) for the four county planning area (Marion, Lucas, Monroe and Poweshiek Counties) to assist in meeting the 25% reduction goal. An environmental education specialist will be hired to develop and implement a variety of education programs and special events, unit based pricing programs, seminars, surveys, speakers bureau development, etc. Financial assistance is provided for wages, education materials and travel.

The applicant has not received previous funding through this program.

**Applicant:** Carroll County Solid Waste Management Commission -- Jim Ulveling/Mary Wittry -- 712-792-5001  
19111 Kittyhawk Avenue  
Carroll, Iowa 51401  
Carroll County

**Project Type:** Recycling - Recycling Center Expansion and Equipment Addition

**Award:** \$400,000 - Loan

**Description:** The applicant is proposing to expand the recycling center by constructing a building addition to house a new elevated paper sorting line and multi-material baling line. This project was identified as the preferred method for increasing processing capacity and improving worker safety after conducting an alternative management options study on the facility. Through planning efforts and a waste sort at the landfill, the applicant identified a significant amount of recyclable materials remaining in the waste stream. A goal was established to capture an additional 4,850 tons annually, principally fibre materials. However, the existing recycling facility cannot effectively or safely accept additional fibre materials. The applicant will target generators of fibre waste and provide education/outreach to those generators as a means of increasing recycling participation. The applicant currently provides recyclable material

processing for a six county area and with the project, the applicant will be in a position to process the targeted materials and market processing services to other solid waste agencies/counties.

The applicant has received three previous awards through this program. This project will enable the applicant to increase the amount of recyclables processed at the recycling center and support the integrated solid waste management approach of the applicant. Previous awards are outlined as follows:

Fall 1989	\$181,600	Expand a small drop-off recycling program in the City of Carroll to include curbside recycling and drop-off locations throughout the county.
December 1993	\$83,700	To initiate a regional wood waste recovery and processing program.
June 1995	\$29,250	To purchase a baler dedicated to the plastics sorting line.

**Applicant:** Christy Corp./Freese Lime and Rock -- Patty/Kelly Freese -- 319-235-4402 or 319-235-4400  
729 W. Airline Hwy.  
Waterloo, Iowa 50703  
Black Hawk County

**Project Type:** Recycling Fly Ash

**Award:** \$193,500 - Loan

**Description:** The applicant is proposing to improve the handling and land application efficiency of fly ash to agricultural lands. An earlier project demonstrated the use of fly ash generated in circulating fluidized bed boilers (high in calcium carbonate) as an alternative to ag lime and the resulting benefits of decreasing soil acidity and increased crop yields. Handling and application efficiency will be improved by pelletizing the fly ash. Pelletizing the fly ash will allow the applicant to increase the use of fly ash through the ability to land apply it without the need to blend it with other materials for proper application. Up to 7,000 tons of previously landfilled fly ash is generated at the University of Northern Iowa will be used in this project. Fly ash generated in this type of boiler contains a significant amount of calcium carbonate and can be applied to agricultural fields either by itself or blended with typical agricultural lime as a soil conditioner to reduce soil acidity. If the pelletizing project proves successful, this project can be easily transferred to other parts of the state, will eliminate a significant amount of fly ash currently landfilled, and provide a beneficial reuse of a waste material. Financial assistance is provided for equipment.

The applicant has received one previous award through this program to initiate the beneficial reuse of a waste material. This project is a logical next step in the development of a commercially viable process and product for the beneficial reuse of fly ash commonly landfilled. Through the previous funded project, the applicant has demonstrated benefits of reducing soil acidity and increasing crop yields resulting from the application of this type of fly ash to agricultural land. Previous award is outlined as follows:

December 1994	\$294,732	To demonstrate the beneficial use of calcium carbonate rich fly ash on agricultural soils as an alternative soil conditioner.
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Ms. Hay reviewed the applications in detail.

Terrance Townsend commented that the South Central Iowa Solid Waste Agency application seems like a case of reinventing the wheel and asked what would be unique to this project that has not already been done.

Ms. Hay indicated this particular project will be working a great deal with business and industry and although it is not unique, it is an activity that has not been occurring in that planning region. She noted that this planning area did not meet the 25% waste reduction goal and strongly needs this type of activity occurring there.

Discussion took place on the Cryotech De-icing Technology application. Ms. Hay distributed an information packet providing details on the de-icing technology. She noted that Cryotech currently sells to almost all of the airports in the northern half of the U.S. with the sole exception of Chicago Air.

<b>INFORMATIONAL ONLY</b>
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## **PUBLIC PARTICIPATION**

### **Amy Christensen (Air Program)**

Amy Christensen, representing Rural Electric Cooperatives, addressed the Commission on the the following four issues: 1) she encouraged the Commission to support a general fund appropriation request for the air program since Title V fees cannot be used for state match funds and the state's current waiver will eventually run out; 2) she urged the Commission to support funding for the Compliance and Permit Assistance Team which was included in a \$300,000 request in agenda item #4; 3) Ms. Christensen asked Elizabeth Henderson, DED, to distribute copies of an Environmental Fact Sheet which was produced by the Air Construction Permits Task Force. The fact sheet explains to people whether they need to get an air construction permit or not and gives them some basic information about the air program. Ms. Henderson explained that the fact sheets will be made available through as many mediums as possible and will eventually be on the World Wide Web. 4) Ms. Christensen discussed Air Construction Permit Exemptions for Small Sources and retroactivity of those rules. She noted that after the EPC approved the retroactivity provision of the rules the DNR sent a letter to EPA requesting them to act on the rules without that provision. She stated that comments are due to EPA by August 28. Ms. Christensen added that she does not understand how the department could have sent that letter since it is contrary to the rules passed by the EPC and to everyone's understanding of what was going to happen. She asked the Commission to work with the department to figure out what happened. She related that she spoke with Al Stokes and he indicated that he just learned about this today. She distributed copies of the Federal Register relating to these rules.

Mr. Stokes stated that the rule the Commission adopted still exists at the state level. He related that EPA indicated they could not approve the modification to the State Implementation Plan (SIP) with the retroactivity language in the rule, and somewhere staff gave feedback to EPA telling them to approve the SIP without the retroactivity. He noted that EPA is proposing to do that at this time. Mr. Stokes acknowledged that communication channels in the department

broke down and the issue needs to be addressed. He added that it will probably be a topic of conversation in a meeting that is scheduled with EPA officials this coming Wednesday.

**Jack Soener (Air Program)**

Jack Soener, Association of Business and Industry, stated that Amy Christensen covered the main issue of concern, which is the air program budget. He related that some members of the air program task force will meet with Al Stokes and staff this coming Friday. He added that he appreciates the staff cooperation in working with the business community in trying to resolve any problems.

**Larry Ginter (DeCoster referral)**

Larry Ginter, Iowa Citizens for Community Improvement (ICCI), expressed criticism of the DNR Clean Air Gazette brochure because it says nothing about toxins coming from the bacterias surrounding the hog factories. He asked if there has been any air quality studies on a location prior to a hog factory being built and suggested that a study be done around those areas. Mr. Ginter spoke about a recent Associated Press story on A.J. DeCoster's treatment of employees at a Maine facility where there are dangerous and unsafe working conditions. He asked what would lead the Commission to believe DeCoster will treat Iowa workers any different. Mr. Ginter stated that the Commission's recent action not to refer DeCoster to the Attorney General is leading Iowa citizens to conclude the EPC is designed to fool the public into thinking their environment is being protected. He asked the Commission to reconsider their past mistake and vote to send DeCoster's second violation to the Attorney General.

**Jack Clark (Air program budget)**

Jack Clark, Iowa Utility Association, stated that he commends the department in seeking a general fund appropriation for the remainder of the air quality program so its total funding is what it should be. He encouraged the Commission to support the department in that effort when they consider the budget next month.

**Bobbie Thomas (DeCoster referral)**

Bobbie Thomas, State Center, discussed her health and the fact that she moved to rural Iowa for the clean air. She agreed with Larry Ginter that studies should be done on hog confinements and their effect on the quality of the air. She related that the EPC and DNR need to think about the environmental toxic effect coming off the massive livestock in one area, particularly the lagoons. Ms. Thomas stated that she is a member of ICCI and is asking the Commission to reconsider the deadlock on the DeCoster referral and send it to the Attorney General. She added that is the only way the "three strikes and you're out" will accumulate against him.

**Regina Thiry (Washburn sewer project)**

Regina Thiry, Waterloo, addressed the Commission informing them that Black Hawk County has decided to take the wetland option in spite of their engineer saying last month that it will not be a benefit in that area. She stated that she has written to the county asking for their wetland plans and the county indicates they do not have any plans. She related that she wants to make sure the wetland is done correctly so it will be a benefit. She said she feels the water test results done at Thiry Lake were inaccurate because when the county officials did the testing they stirred up the sediment before taking the water samples. She thanked the Commission for the attention they have given this project.

**APPOINTMENT - TOM HADDEN (METRO WASTE AUTHORITY)**

Tom Hadden, Executive Director - Metro Waste Authority (MWA), stated that at last month's EPC meeting a concern was brought up by one of the landfill's neighbors, and he has met with that neighbor and will meet with other neighbors in the future. He presented background on the MWA as well as an overview of their current and future projects. He related that the proposed compost project is an innovative way to deal with leachate and others are looking to the MWA for that procedure. The proposed compost site is along the highway and the MWA's goal is to clean up the corridor along Highway 163 and then take the process inward at the landfill. He related that would provide a secure buffer around the project and would be better for the neighbors. Mr. Hadden circulated photos of the buildings being constructed for the new composting facility. He introduced MWA board members who were with him. He stressed that the MWA is going to try to reach their 50% waste reduction goal but at the same time have to be aware of costs and remain environmentally sound.

Brief discussion followed.

Mr. Hadden distributed information packets about the proposed composting facility to each Commissioner.

**MONTHLY REPORTS**

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Enforcement Status Report
5. Contested Case Status Report

Members of the department will be present to expand upon these reports and answer questions.

### RULEMAKING STATUS REPORT August 1, 1996

<u>PROPOSAL</u>	<u>NOTICE TO COMM.</u>	<u>NOTICE PUBLISH</u>	<u>RULES REVIEW COMM.</u>	<u>HEARING</u>	<u>FINAL SUMMAR Y TO COMM.</u>	<u>RULES ADOPTED</u>	<u>RULES PUBLISH</u>	<u>RULES REVIEW COMM.</u>	<u>RULE EFFECTIVE</u>
1. Ch. 20 - Potential to Emit for Grain Elevators	4/15/96	5/08/96	5/14/96	6/10/96	8/19/96	*8/19/96	*9/11/96	*10/08/96	*10/16/96
2. Ch. 20 - Potential to Emit for Emergency Generators	*9/16/96	*10/09/96	*10/08/96	*10/ /96	*11/18/96	*11/18/96	*12/18/96	*1/14/97	*1/22/97
3. Ch. 22 - Operating Permit by Rule for Small Sources	7/15/96	8/14/96	*9/10/96	*9/13/96	*10/21/96	*10/21/96	*11/20/96	*12/10/96	*12/25/96
4. Ch. 23 - Waiver of Open Burning Separation Distance Requirement	5/20/96	6/19/96	7/09/96	7/09/96	*9/16/96	*9/16/96	*10/09/96	*11/12/96	*11/13/96
5. Ch. 53 - Protected Water Sources	6/17/96	7/17/96	8/13/96	8/07/96	*9/16/96	*9/16/96	*10/09/96	*11/12/96	*11/13/96
6. Ch. 61 - WQ Standards - Section 401 Certification/Section 404 Nationwide Permits	*9/16/96	*10/98/96	*10/18/96	*10/ /96	*11/18/96	*11/18/96	*12/18/96	*1/14/97	*1/22/97
7. Ch. 65 - Animal Feeding Operations	1/16/96	2/14/96	3/11/96	3/05/96 3/06/96	TERMINAT ION 7/15/96	7/15/96	8/14/96	*9/10/96	*9/18/96
8. Ch. 65, 68, 121 - Navigable Waters & Manure Application	6/17/96	7/17/96	8/13/96	8/06- 09/96 8/12/96	*9/16/96	*9/16/96	*10/09/96	*11/12/96	*11/13/96
9. Ch. 103 - Sanitary Landfill Liners	5/20/96	6/19/96	7/09/96	7/09/96	*9/16/96	*9/16/96	*10/09/96	*11/12/96	*11/13/96
10. Ch. 133, 135 - Underground Storage Tank - Risk Based Corrective Action Stds.	10/16/95	11/08/95	12/13/95	12/01/95 12/04/95 12/06/95 12/08/95 12/11/95 12/13/95	TERMINAT ION 6/17/96	6/17/96	7/17/96	8/13/96	*8/21/96
11. Ch. 133, 135 - Underground Storage Tank - Risk Based Corrective Action Stds.	6/17/96	7/17/96	8/13/96	8/6,7,8/96 8/12,14,15/96	*9/16/96	*9/16/96	*10/09/96	*11/12/96	*11/13/96
12. Ch. 214 - Household Hazardous Materials Program	2/19/96	3/13/96	4/10/96	4/05/96	6/17/96	6/17/96	7/17/96	8/13/96	*8/21/96

### Monthly Variance Report - August 1996

Item No.	Facility	Program	Engineer	Subject	Decision	Date
1	Climax Molybdenum-Fort Madison	Air Quality		Permit Requirements	Approved	07/19/96
2	John Deere Foundry-Waterloo	Air Quality		Permit Requirements	Approved	07/10/96
3	Kaser Corporation-Portable Crushers & Generators (18)	Air Quality		Permit Requirements	Approved	07/08/96
4	Martin Marietta Aggregates-Portable Crushers & Generators (37)	Air Quality		Permit Requirements	Approved	07/02/96
5	Mathy Construction Co.-Portable Crushers & Generators (Various Crushing Sites)	Air Quality		Permit Requirements	Approved	07/02/96
6	West Liberty Municipal Power Plant	Air Quality	Barnes, Henry, Meisenheimer & Gende, Inc.	Permit Requirements	Approved	07/17/96
7	Arispe, City of (Southern Iowa Rural Water Association)	Wastewater Construction	Howard R. Green Co.	Valve Pit	Approved	07/15/96
8	Arispe, City of (Southern Iowa Rural Water Association)	Wastewater Construction	Howard R. Green Co.	Pond Influent Piping	Approved	07/15/96
9	Arispe, City of (Southern Iowa Rural Water Association)	Wastewater Construction	Howard R. Green Co.	Number of Lagoon Cells	Approved	07/15/96
10	Arispe, City of (Southern Iowa Rural Water Association)	Wastewater Construction	Howard R. Green Co.	Influent Pipe Discharge	Approved	07/15/96
11	Arispe, City of (Southern Iowa Rural Water Association)	Wastewater Construction	Howard R. Green Co.	Inter-Cell Control Structure	Approved	07/15/96
12	Clear Lake Sanitary District	Wastewater Construction	Rust Environment & Infrastructure	Fine Screens (Mechanical)	Approved	07/10/96
13	Clear Lake Sanitary District	Wastewater Construction	Rust Environment & Infrastructure	Fine Screen (Manual)	Approved	07/10/96
14	Clear Lake Sanitary District	Wastewater Construction	Rust Environment & Infrastructure	Wet Well Fillets	Approved	07/10/96
15	Tingley, City of (Southern Iowa Rural Water Association)	Wastewater Construction	Howard R. Green Co.	Pond Influent Piping	Approved	07/11/96
16	Tingley, City of (Southern Iowa Rural Water Association)	Wastewater Construction	Howard R. Green Co.	Influent Pipe Discharge	Approved	07/11/96
17	Tingley, City of (Southern Iowa Rural Water Association)	Wastewater Construction	Howard R. Green Co.	Number of Lagoon Cells	Approved	07/11/96
18	Tingley, City of (Southern Iowa Rural Water Association)	Wastewater Construction	Howard R. Green Co.	Valve Pit	Approved	07/11/96
19	Tingley, City of (Southern Iowa Rural Water Association)	Wastewater Construction	Howard R. Green Co.	Inter-Cell Control Structure	Approved	07/15/96
20	Hewett Creek-Clayton County	Flood Plain	Clayton County Engineer	Percent Length Reduction	Approved	07/02/96
21	Armstrong Rim & Wheel Mfg. Co.-Emmet County	Wastewater Operation		Monitoring Frequency	Approved	07/02/96
22	Cedar Falls Utilities-Leversee Road Ash Disposal Site	Sanitary Disposal	David R. Rusley, Electric Production Mgr.	Separation Distance	Approved	07/02/96
23	Alleman, City of	Watersupply Construction	Howard R. Green Co.	Construction Materials	Approved	07/11/96
24	Benton Commerce Village-Benton County	Watersupply Construction	Brain Engineering	Duplication Requirements	Approved	07/24/96
25	Benton Commerce Village-Benton County	Watersupply Construction	Brain Engineering	Siting Criteria	Approved	07/24/96
26	Burlington Municipal Water Works	Watersupply Construction	Burlington Municipal Water Works	Siting Criteria	Approved	07/29/96
27	Dike, City of	Watersupply Construction	Rust Environment & Infrastructure	Installation Procedures	Approved	07/16/96
28	Oscar Mayer Food Corporation-Davenport	Watersupply Construction	Snyder & Associates, Inc.	Siting Criteria	Approved	07/03/96
29	Oskaloosa Municipal Water Department	Watersupply Construction	Garden & Associates	Installation Procedures	Approved	07/29/96

### Enforcement Report Update

The following new enforcement actions were taken last month:



Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Margaret Palmersheim; Gene Palmersheim d/b/a G & M Service Mart, Greeley (1)	Underground Tank	Remedial Action	Order/Penalty \$1,500	7/08/96
Dennis L. Mattison, Winnebago Co. (2)	Air Quality; Solid Waste	Open Burning; Illegal Disposal	Order/Penalty \$600	7/08/96
Associated Milk Producers, Inc., Mason City (2)	Wastewater; Hazardous Condition	Prohibited Discharge; Remedial Action	Order/Penalty \$1,000	7/08/96
Boomsma Egg Site #1; Austin J. DeCoster; Kell-Agra, Wright Co. (2)	Wastewater	Prohibited Discharge	Order/Penalty \$1,000	7/16/96
Waste Management & Design, Inc.; Monfort, Inc. Des Moines (5)	Solid Waste; Wastewater	Permit Violations; Prohibited Discharge	Order/Penalty \$10,000	7/22/96
Carpenter Bar & Grill, Carpenter (2)	Drinking Water	Monitoring/Reporting- Bacteria & Nitrate; Public Notice	Order/Penalty \$725	7/22/96
Camp Abe Lincoln, Blue Grass (6)	Drinking Water	MCL-Bacteria; Public Notice	Emerg. Order	7/25/96
Kell-Agra, Wright Co. (2)	Wastewater	Prohibited Discharge	Order	7/26/96
Austin J. DeCoster d/b/a DeCoster Farms of Iowa, Wright Co. (2)	Wastewater	Prohibited Discharge	Amended Order	7/26/96
Dakota Mobile Home Park, Iowa City (6)	Wastewater	Monitoring/Reporting; Operational Violations	Order/Penalty \$2,550	7/26/96
Leroy Navratil d/b/a Navratil Excavating (Plymouth)	Air Quality; Solid Waste	Open Burning; Illegal Disposal	Order/Penalty \$600	7/31/96

### Summary of Administrative Penalties

The following administrative penalties are due:

DATE	NAME/LOCATION	PROGRAM	AMOUNT	DUE
	Marvin Kruse d/b/a K & C Feeds (Luana)	UT	300	12-01-92
	Don Grell d/b/a Dodger Enterprises (Ft. Dodge)	AQ	10,000	2-16-93
	Duane Pospisil d/b/a Duane's Service (Lisbon)	UT	1,000	5-04-93
	Franklin Raymond (Pacific Junction)	UT	300	7-07-93
	*Delano's Lounge (Washington)	WS	425	9-01-93
	Melvin Foubert d/b/a Mel's Repair Service (What Cheer)	UT	400	12-13-93
	Stan Simmer d/b/a Tire City (Des Moines)	UT	600	12-21-93
	*63-80 Cafe (Moore Oil Co.) (Malcom)	WS	200	1-20-93
	William Hatch d/b/a R&R Convenience Store (Central City)	UT	2,480	2-28-93
	Kurt & Mary Marzofka; John & Shirley Riordan (Sabula)	UT	500	3-31-94
	Ida Grove Farm Supply Co. d/b/a Double Circle Farm Supply Co. (Galva)	UT	2,300	5-15-94
	Leland Koster and Jim Koster (Alexander)	UT	350	6-11-94
	*Home Asbestos & Lead Abatement Services (Johnston)	AQ	350	7-02-94
	King Transfer, Ltd.; George B. King (Onawa)	UT	2,400	7-20-94
	Central Water Works (Fort Dodge)	WS	275	8-21-94
	Crawford Flats, Ltd. (Denison)	WS	275	8-25-94
	Holland, City of	WS	550	8-28-94
	Coralville Lake Terrace Assn. (North Liberty)	WS	550	9-01-94
	The Marley Pump Co. (Davenport)	WS	125	9-13-94
	RHCL School (Luxemberg)	WS	125	9-14-94
	Bill Dettman d/b/a Dettman Oil Co. (Fonda)	UT	2,800	9-15-94
	Kilpeck Mobile Home Park (Muscatine)	WS	275	9-23-94
	Immanuel Lutheran Church and School (Readlyn)	WS	275	9-23-94
	Sunshine Homes, Inc. (Atlantic)	WS	275	9-25-94
	Scenic View Estates (Decorah)	WS	275	9-25-94
	Yarmouth Elementary School (Mediapolis)	WS	375	10-12-94
	Batavia, City of	WS	650	10-17-94
	Geils Oil Company; Lawrence P. Geils (Donnelson)	UT	3,200	10-18-94
	Hidden Valley Mobile Home Court (Washington Co.)	WS	200	10-22-94
	*Dale Hall d/b/a Hall Oil Co. (Des Moines)	UT	250	11-15-94
	Donald K. Schmidt (Cedar Rapids)	UT	3,000	12-27-94

Collier Oil Co.; Clark Concrete Co. (Onawa)	UT	3,300	1-22-95
Ron Mumby (Iowa Co.)	SW	2,000	4-19-95
Jody Beaver (Cedar Co.)	SW/AQ	2,000	5-27-95
Valley Heights 1st Annex (Blue Grass)	WS	550	6-05-95
Rock Falls Lounge (Rock Falls)	WS	1,500	6-12-95
Dallas County Care Facility (Adel)	WS	550	6-13-95
Crestwood Acres; Mid County Water, Inc. (Toddville)	WS	375	6-13-95
Lake Vista Improvement Assn., Inc. (Solon)	WS	200	6-14-95
Fremont County Sanitary Landfill (Fremont Co.)	SW	5,000	7-05-95
ESCORP Associates Ltd.; Arnold Olson (Cedar Rapids)	AQ	10,000	7-09-95
David A. Dohlman d/b/a Dave's Conoco (Dumont)	UT	2,300	7-18-95
M & L Service; Loyal Dorr; Mark Courtney (Guthrie Center)	UT	1,000	8-30-95
Sheldahl, City of	WS	200	8-30-95
Norman Klynsmas d/b/a OK One Stop Service (Hospers)	UT	2,000	9-01-95
Orville Long (Polk Co.)	SW	3,000	9-12-95
Ken Frese (Keokuk Co.)	SW/AQ	1,000	10-03-95
Carter Lake, City of	WS	200	10-25-95
Meadow Knolls Addition (Marion)	WS	200	10-29-95
Searsboro, City of	WW	2,500	11-08-95
*R.V. Hopkins, Inc. (Davenport)	AQ	10,000	11-15-95
Economy Solar Corp. (Monticello)	AQ	7,500	11-25-95
Elery Fry; Allen Fry; Becky Sandeen (Monroe Co.)	SW	6,000	1-20-96
Patrick McCoy (Keokuk Co.)	AQ/SW	2,000	2-10-96
Steven Mullane d/b/a S & S Landscaping (Madison Co.)	AQ/SW	2,000	2-14-96
Cheryl Straughn d/b/a Cher's Mini Mart (Chapin)	UT	600	2-21-96
Dennis Sharkey d/b/a Sharkey Bldg. Wrecking (Dubuque)	AQ	2,000	3-11-96
Sportsmen's Club (Waukon)	WS	100	4-01-96
C & C Ltd. d/b/a Country View MHP (Denison)	WS	475	4-08-96
Brian McKernan d/b/a Hickory Grove MHP (Story Co.)	WW	1,000	4-15-96
Long Branch Tavern (Monmouth)	WS	100	5-01-96
David Kramer (Camanche)	UT	600	5-03-96
Latimer, City of	WS	150	5-03-96
Ainsworth, City of	WS	150	5-03-96
Hofer's Danceland Ballroom (Walford)	WS	100	5-04-96
Fernald Water System (Nevada)	WS	100	5-04-96
Cedar River Trailer Park (Letts)	WS	100	5-04-96
McClelland Bar & Grill (Council Bluffs)	WS	100	5-06-96
# T M & M Inc. Environmental Services (Hamilton Co.)	WW	3,000	5-12-96
*Orrie's Supper Club, Inc. (Hudson)	WS	1,125	6-15-96

Paul L. Dunkel (Delaware Co.)	SW	1,500	6-27-96
*Woden-Crystal Lake Comm. School District (Crystal lake)	AQ	1,500	7-01-96
*Curry Environmental Services, Inc. (Marion)	AQ	1,000	8-01-96
*Dan Peterson d/b/a Peterson Backhoe (Dumont)	AQ	1,000	8-22-96
Rayburn Court for Mobile Homes (Mason City)	WS	500	8-25-96
Dennis L. Mattison (Winnebago Co.)	AQ/SW	600	9-03-96
Margaret & Gene Palmersheim d/b/a G & M Service Mart (Greeley)	UT	1,500	9-09-96
Associated Milk Producers, Inc. (Mason City)	WW/HC	1,000	9-09-96
Boomsma Egg Site #1; A.J. DeCoster (Wright Co.)	WW	1,000	9-20-96
Carpenter Bar & Grill (Carpenter)	WS	725	9-27-96
*First United Methodist Church (Ft. Madison)	AQ	3,000	10-01-96
Waste Mgmt. & Design; Monfort, Inc. (Des Moines)	SW/WW	10,000	-----
William R. Hennessey & Son, Inc. (Cedar Rapids)	UT	2,670	-----
Deer Ridge Estates (Ottumwa)	WS	100	-----
Dan Dooley (Polk Co.)	SW	2,000	-----
Dakota Mobile Home Park (Oxford)	WW	2,550	-----
Leroy Navratil d/b/a Navratil Excavating (Plymouth)	AQ/SW	600	-----
Gold-Eagle Cooperative (Eagle Grove)	WW/HC	4,000	-----
<b>TOTAL</b>		<b>141,400</b>	

The following cases have been referred to the Attorney General:

Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Vernus Wunschel d/b/a Wunschel Oil (Ida Grove)	UT	300	1-12-92
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	3,070	10-11-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	600	10-11-94
Trust Trucking Corp.; Jim and Brenda Huyser (Lovilia)	UT	840	11-01-94
Wunschel Oil, et.al. (Battle Creek)	UT	6,400	11-08-94
Orrie's Supper Club, Inc. (Hudson)	WS	275	9-19-94
Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)	AQ	4,000	3-24-95
Oscar Hahn (Solon)	SW/AQ	2,000	8-29-95
Plantation Village Mobile Home Park (Burlington)	WW	1,000	7-07-94
Randy Ballard (Fayette Co.)	FP	2,000	5-30-95
<b>TOTAL</b>		<b>23,154</b>	

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
Joe Eggers, Jr., et.al. (St. Ansgar)	SW	1,000
Hickory Hollow Water Co. (Ankeny)	WS	400
Wayne Transportation, Inc. (Greene)	WW	1,000
Mulgrew Oil Company (Dubuque)	HC	500
Charles Kerr (Sloan)	UT	600
Chickasaw Co. SLF, et.al. (Chickasaw Co.)	SW	1,000
Plymouth Cooperative Oil Co. (Hinton)	WW	1,000
Randy Bonin/Vickie Brannick (Hardin Co.)	SW	500
Dean Hoeness d/b/a Hoeness & Sons (Winterset)	UT	300
King's Terrace Mobile Home Court (Ames)	WW	500
ITWC, Inc. (Malcom)	AQ	1,000
Frank Hulshizer (Benton Co.)	SW	500
Pirelli Armstrong Tire Corp. (Polk Co.)	SW	1,000
LeMars, City of	WW	5,000
Crane Co. d/b/a Crane Valves (Washington Co.)	SW	500
Donald Udell (Plymouth Co.)	SW	1,000
Oakwood Park Water, Inc. (Ankeny)	WS	1,000
U.S. Dept. of Defense (Sioux City)	UT	5,720
J.P. Scherrman, Inc. (Farley)	UT	1,160
Waverly Gravel & Ready-Mix aka Shell Rock Sand and Gravel (Shell Rock)	AQ	3,000
L.F. & Betty Everett; Vern Barker & Donald Knotts, d/b/a Barker & Knotts Construction; Gene Phillips (Ottumwa)	AQ	10,000
Eli Shada (Anamosa)	UT	1,328
M and D Tire Processing, Inc. (Decatur Co.)	SW	10,000
Toys "R" Us, Inc. (Davenport)	UT	5,560
Coastal Mart, Inc.-Store #1081 (Davenport)	UT	5,320
Country Stores of Carroll, Ltd.; Roger Kanne (Carroll)	UT	10,000
Elite, Ltd.; Roger Kanne; James Pietig (Coon Rapids)	UT	3,500
Elite, Ltd.; Roger Kanne; James Pietig (Logan)	UT	3,288
HiWay Texaco, Ltd.; Roger Kanne; Rick Kanne (Bagley)	UT	5,000
Galva Union Elevator Co. (Galva)	UT	3,100
Joseph L. Ranker; Daryl Hollingsworth (Indianola)	UT	4,000
Larry and Kelly Miller (Ogden)	UT	2,000
R.D.J. Farms; Donald Vogt (Van Horne)	UT	1,300
Home Oil Stations; Otto-Matic; Larence Otto (Burlington)	UT	3,000
Tom Wiseman (Sheffield)	UT	3,500
Village Oaks Homeowners Assn. (Blue Grass)	WS	550

Karl and Thelma Boylan d/b/a Boylan's Service (Northboro)	UT	1,800
Thomas M. Scheetz d/b/a The Depot Food N' Fuel (Oxford)	UT	2,300
William Jensen d/b/a B & B Tire & Oil Co. (Avoca)	UT	2,300
Crabtree Lake Resort (Rhodes)	WW	5,400
Elmer R. Faust d/b/a Faust Garage & Grocery (Delaware)	UT	2,300
American Coals Corporation - Site #5 (Bussey)	SW/AQ	10,000
H.E.W., Inc. aka Hazardous Environmental Wastes, Inc. aka Algona Roofing & Insulation, Inc. (Algona)	AQ	5,000
Bankston, City of	WS	550
Wunschel Oil, et.al. (Ida Grove)	UT	10,000
Chicago & North Western Transportation Co. (Clay Co.)	WW/SW	10,000
Jim Foust (Indianola)	SW	2,175
Titan Wheel International, Inc. (Walcott)	WW	10,000
Ronald Sizemore and Mark Murphy (Eldora)	UT	3,200
Boomsma's Egg, Inc. (Alden/Galt)	AQ	10,000
George Dolan (Northwood)	UT	3,300
Woodbury Co. Highway Department (Woodbury Co.)	UT	4,000
Keith Owens and Howard Maurer (Wilton)	UT	3,100
Tom Babinat d/b/a Tom's Car Care (Grundy Center)	UT	3,600
Richard Beckett (Villisca)	UT	1,300
Henry and Randy Krohn d/b/a Krohn Const. (Waukee)	AQ/SW	4,000
James and Roxann Neneman; J&R Mini Mart (Council Bluffs)	UT	3,900
Simonsen Industries, Inc. (Cherokee Co.)	WW	5,000
Richard Waugh d/b/a Dick's Apco Car Wash (Hampton)	UT	885
Sale-R-Villa Const., Inc. (Perry)	AQ	10,000
Otis Schultz d/b/a Schultz Oil Co. (Sac City)	UT	2,200
Dennis Malone & Joanne Malone (Morning Sun)	UT	600
# Larry Royer (Guthrie Co.)	WW	1,000
Bacon Addition (Monticello)	WS	375
Ferris Sullivan d/b/a Sullivan's Sinclair (Preston)	UT	2,000
Leonard Borman (Preston)	UT	2,000
Economy Solar Corp.; Jeffrey C. Intlekofer (Cedar Rapids)	AQ	10,000
Marty Feinberg d/b/a Feinberg Scrap Iron; Betty Feinberg; F & F Metals (Lee Co.)	HC/WW	10,000
Cumberland Ridge First Addition (North Liberty)	WS	550
Earth Media Technologies, Inc. (Polk Co.)	SW	3,000
Allison Fire Dept.; Allison, City of	AQ	5,000
Pilot Oil Corporation (Walcott)	WW/UT	5,000

Leonard C. Page (Adams Co.)	SW	3,000
Mark Twain Meadows Assoc. (Muscatine)	WS	900
White Oaks Homeowners Assn. (Ankeny)	WS	1,000
Boyer Valley Company (Arion)	WW	8,000
Wilbur McNear; Gilbert Persinger (Smithland)	UT	2,500
Donald Krieger (Terrill)	UT	600
Donald J. Foreman d/b/a D & R Feedlots (Woodbury Co.)	WW	3,000
Wilbur McNear d/b/a McNear Oil Co. (Charter Oak)	UT	2,000
Holiday Mobile Lodge, Inc. (Johnson Co.)	SW/AQ	2,000
Shell Rock Products, Inc. (Butler Co.)	SW/AQ	10,000
Colwell, City of	WS	200
E.L. Incorporated (Algona)	SW	5,000
Weber Construction, Inc. (Cascade)	AQ	4,000
Tri-County Bank & Trust (Cascade)	AQ	4,000
Jack Pinney Operations, Inc. (Sioux City)	AQ	4,000
# Gary Watson (Cerro Gordo Co.)	WW	2,500
Vernon Kinsinger d/b/a K & K Sanitation (Washington Co.)	AQ/SW	10,000
Roy Burger (Gillette Grove)	UT	5,400
Spencer Municipal Hospital (Spencer)	AQ	3,000
Massena, City of	WW	1,200
Westside Park for Mobile Homes (Burlington)	WW	3,000
Climax Molybdenum Company (Ft. Madison)	HC/AQ	10,000
Clarence, City of	WW	3,000
All-States Quality Foods (Charles City)	WW	5,000
Bill Shirbroun d/b/a Was Broken Pallet (Webster Co.)	AQ/SW	1,000
Daryl & Karen Hollingsworth d/b/a Medora Store (Indianola)	UT	4,800
Hidden Valley Mobile Home Park (Washington)	WW	2,000
Jolly Roger Campground & Marina (North Liberty)	WW	1,000
Markley Knock d/b/a Knock's Bldg. Supply (Parkersburg)	AQ/SW	2,000
Dean Williams d/b/a Williams Oil Co. (Stuart)	UT	4,800
Russell Stagg (Muscatine Co.)	AQ/SW	2,000
Obie's Hurstville Tap, Inc. (Maquoketa)	WS	100
Edward Bodensteiner (Des Moines)	UT	3,200
Dallas County Care Facility (Adel)	WW	2,500
# Marlin Brenneman (Iowa Co.)	WW	3,000
Mount Joy Mobile Home Park (Davenport)	WW	2,000
Louisa-Muscatine Community School (Letts)	WS	500
Davenport Travel Plaza (Walcott)	WS	250
# C & I Eggs (Webster Co.)	WW	3,000
Vermeer Manufacturing Co. (Pella)	AQ	10,000
Gary Walker (Montgomery Co.)	AQ/SW	3,000

Mildred Eileen Bentley (Johnson Co.)	AQ/SW	1,000
Haasco, Ltd. (Dubuque)	AQ	3,000
Site Services, Ltd. (Waterloo)	AQ	5,000
Mederer Corporation (Creston)	WW	10,000
Winsor Oil Co., Inc.; Joyce Winsor (Vinton)	UT	1,500
Bernie Brauns d/b/a Brauns Waste Mgmt. (Muscatine Co.)	AQ/SW	10,000
Becker Gravel Company, Inc. (Stratford)	WW/FP	3,000
Ron Rupe (Polk Co.)	SW	2,000
Richard L. Magdefrau (Washington Co.)	AQ/SW	2,000
Lamoni, City of	WW	1,000
<b>TOTAL</b>		<b>430,911</b>

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
Marvin Wernimont; Filter Friend Recycling (Buena Vista)	AQ/SW	500
*Curry Environmental Services, Inc. (Marion)	AQ	1,000
Mike Murphy d/b/a Hawley Heating & Air (Keokuk)	AQ	500
Waterloo, City of (STIPULATED PENALTY)	WW	488
*First United Methodist Church (Ft. Madison)	AQ	500
CGB Printing Company (Newton)	AQ	1,000
Waterloo, City of (STIPULATED PENALTY)	WW	630
Welch Oil, Inc. (Williams)	UT	10,000
<b>TOTAL</b>		<b>14,618</b>

The \$100 penalty assessed to Barrington Lakes Water Commission (Dubuque) has been rescinded.

The \$1,000 penalty assessed to Lloyd Decker (Floyd Co.) has been rescinded.

### ATTORNEY GENERAL REFERRALS

Name, Location & Region	Program	Alleged Violation	DNR Action	New or Updated Status	Date
AMPC Lytton (3)	Wastewater	Operational Violations	Referred to Attorney General	Referred	8/10/94



American Center, Ltd. Cedar Rapids (1)	Asbestos	Training	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Trial Date	7/22/94 8/29/94 10/21/96
American Center, Ltd. Waterloo (1)	Asbestos	Training	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Trial Continued	3/21/94 8/29/94
Ballard, Randy Fayette Co. (1)			Flood Plain	Construction Permit	Without Order/Penalty	Referred	5/29/96
DeCoster, A.J. Wright Updated	Co.	(2)	Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Defendant's Pre-Answer Motions Filed State's Resistance Filed Order Denying Defendant's Motion Defendant's Motion for Separate Trials State's Resistance Filed Defendant's Answer Defendant's Reply to Resistance State's Supplement to Resistance State Brief Hearing on Motion for Separate Trials Order Denying Defendant's Motion Trial Date	7/17/95 1/23/96 3/06/96 3/27/96 4/12/96 4/19/96 4/29/96 5/01/96 5/06/96 5/30/96 5/31/96 6/03/96 6/28/96 1/28/97
Dunkel, Paul L. Delaware Co. (1)			Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed Default Judgment (\$10,000/Civil; \$1,500/Admin. & Injunction)	6/19/95 2/16/96 6/17/96
Economy Solar Corp. Ft. Madison (6)			Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Trial Date Ruling (\$1,600/Civil & Injunction) Notice of Appeal Voluntary Dismissal	3/21/94 8/29/94 11/06/95 11/30/95 1/03/96 4/11/96
Economy Solar Corp. Waterloo (1)			Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Trial Continued	3/21/94 8/29/94
Economy Solar Corp. Cedar Rapids (1)			Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed	7/22/94 8/29/94

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Trial Date 10/21/96

Economy Solar Corp./Central Community School DeWitt (6)	Air Quality	Asbestos	Referred to Attorney General	Referred	7/17/95
Economy Solar Corp. Cedar Rapids (1)	New Air Quality	Penalty Collection	Order/Penalty	Referred Penalty Paid Interest and Costs Due	6/17/96 7/15/96
Ervin, Don Webster Co. (2)	Solid Waste	Operation Permit	Without Order/Penalty	Referred Judgment for \$1,000 Execution & Order to Levy Application to Condemn Funds Partial Payment Received (\$331)	4/16/90 7/13/90 9/28/90 11/27/90 11/30/90
		Permit Violations	Referred to Attorney General	Referred Temporary Injunction Order of Contempt Order Granting Stay Contempt Reversed (Court of Appeals) Application for Further Review Supreme Ct. Reversed Court of Appeals Order to Serve Sentence Application for Hearing Order Denying Reconsideration of Sentence Partial Consent Decree Consent Decree (\$1,000,000/Civil) Defense Requests for Reconsideration of Penalty Hearing on Defense Request Order - Penalty Affirmed	9/16/91 9/18/91 12/20/91 12/26/91 9/29/92 10/16/92 2/17/93 3/17/93 3/18/93 3/19/93 1/10/93 5/30/95 5/21/96 6/24/96 6/25/96
ESCORP/Cryotech Cedar Rapids (1)	Air Quality	Asbestos	Referred to Attorney General	Referred	7/17/95
Hahn, Oscar Solon (6)	Air Quality Solid Waste	Open Burning Illegal Disposal	Order/Penalty	Referred Petition Filed	12/18/95 4/18/96
Huyser, James; Trust Trucking Lovilia (5)	Underground Tank	Site Assessment	Referred to Attorney General	Referred Petition Filed	11/21/94 4/18/96
Jarvis, Marjorie; Terry Strong	Underground			Referred	11/15/93

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Council Updated	Bluffs	(4)	Tank	Closure Investigation	Order	Petition Filed Default Judgment Against Marjorie Jarvis (\$5,000/Civil & Injunction)	2/14/94 6/01/95
Klocke, Paul and Mary Kay Carroll (4)			Flood Plain	Unauthorized Construction	Order	Referred	10/16/95
Lee, Harold and Evelyn Keokuk Co. (6)			Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed	10/16/95 5/16/96
Martinez, Vincent d/b/a Martinez Sewer Service Davenport (6)			Hazardous Condition	Remedial Action	Order/Penalty	Referred Petition Filed Partial Default Judgment (Injunction)	2/17/92 12/21/92 10/11/94
Orrie's Supper Club, Inc. Hudson (1)			Drinking Water	Monitoring/Reporting; Lead & Copper	Order/Penalty	Referred	10/16/95
Owens & Owens Realty, Inc. Wilton (6)			Underground Tank	DNR Defendant	Defense	Petition Filed Answer Filed	3/29/96 4/19/96
Plantation Village Mobile Home Park Burlington Updated		(6)	Wastewater	Monitoring/Reporting	Order/Penalty	Referred Motion for Judgment Hearing on Motion	10/16/95 7/10/96 7/29/96
Postville Pork Postville (1)			Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	5/20/96
Reed, Verna and Don; Andrea Silsby Union Co. (4)			Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed Default Judgment	6/20/94 8/10/94 12/12/94
Relative, Inc.; Doug Smuck Des Moines (5)			Underground Tank	Insurance Violation	Order/Penalty	Referred Petition Filed	10/17/94 5/12/95
Underwood, Paul Underwood Excavating Demolition Cedar Rapids (1)		d/b/a and	Air Quality	Asbestos	Order/Penalty	Referred	5/15/95
Welch Oil, Inc. Williams (2)	New		Underground Tank	Penalty Collection	Order/Penalty	Referred Penalty Paid Interest and Costs Due	6/17/96 7/29/96
Wunschel Oil Co.; Vernus, Jaquellyn and Mark Wunschel			Underground Tank	Site Assessment	Order/Penalty	Referred	1/17/95

Ida Grove (3)

**CONTESTED CASES****August 1, 1996**

DATE RECEIVED	NAME OF CASE	ACTION APEALED	PROGRAM	ASSIGNED TO	STATUS
1-23-86	Oelwein Soil Service	Admin. Order	WW	Murphy	Hearing continued; additional testing being done.
6-08-89	Shaver Road Investments	Site Registry	HW	Kennedy	Draft consent order under review by EPA.
6-08-89	Hawkeye Rubber Mfg. Co.	Site Registry	HW	Kennedy	Draft consent order under review by EPA.
6-08-89	Lehigh Portland Cement Co.	Site Registry	HW	Murphy	Hearing continued. Discovery initiated.
10-24-89	Farmers Cooperative Elevator Assoc. of Sheldon	Site Registry	HC	Kennedy	Consent order signed. Closed.
11-03-89	Bridgestone/Firestone, Inc.	Site Registry	HC	Murphy	Hearing continued pending negotiations.
5-08-90	Texaco Inc./Chemplex Co. Site	Site Registry	HW	-----	Settlement proposed.
5-14-90	Alter Trading Corp. (Council Bluffs)	Admin. Order	SW	Kennedy	EPD considering public hearings.
6-20-90	Des Moines, City of	NPDES Permit Cond.	WW	Hansen	EPD met with City to resolve appeal issues. Follow-up with EPD regarding status-2/96.
7-02-90	Keokuk Savings Bank and Trust; Keokuk Coal Gas Site	Site Registry	HW	-----	Hearing continued.
7-30-90	Key City Coal Gas Site; and Howard Pixler	Site Registry	HW	-----	Decision appealed (Pixler).
8-01-90	J.I. Case Company	Site Registry	HW	Preziosi	Hearing continued indefinitely pending cleanup of neighboring site.
9-12-90	Michael & Joyce Haws; George H. Gronau	Admin. Order	UT	Wornson	New party has assumed liability. Will dismiss case upon completion of SCR. SCR completed - payment dispute with consultant.
10-15-90	Westside General Store Corp.	Admin. Order	UT	Wornson	Evaluating inability to pay - UST fund eligibility.
12-03-90	United States Gypsum Co.; Smitty's Oil	Site Registry	HC	Preziosi	Negotiating before filing.
12-27-90	McAtee Tire Service, Inc.	Admin. Order	SW	Kennedy	Amended order issued 1/11/96.
1-07-91	Joe E. Eggers, Jr.; Joe and Mary Eggers	Admin. Order/Penalty	SW	Kennedy	Hearing continued. Clean-up continuing 6/96.
5-20-91	Great Rivers Coop-Lockridge	Site Registry	HC	Murphy	Settlement proposed.
9-25-91	Archer Daniels Midland	Admin. Order	SW	Kennedy	DNR engineers reviewing documents.
1-17-92	Hickory Hollow Water Co.	Admin. Order/Penalty	WS	Hansen	Settlement offer to WS. Counter offer 7/13/93. Dept. response on 8/3/93. Facility response 8/11/93. 12/93 Dept. letter to attorney. Construction permit issued for fluoride removal. Facility to be installed by 10/30/94. Letter to attorney regarding appeal closure. Response requested by 6/2/96. 5/30/96 - Response received indicating compliance and requesting waiver of penalty.
1-30-92	Center Oil Co., Inc.	Admin. Order	HC	Murphy	Negotiating before filing.
4-09-92	Wayne Transports, Inc.	Admin. Order/Penalty	WW	Murphy	Negotiating before filing.
4-15-92	Mulgrew Oil Co.	Admin. Order/Penalty	HC	Wornson	Settlement letter sent 8/31/94. SCR completed. Low risk monitoring site.
4-24-92	Charles A. Kerr	Admin. Order/Penalty	UT	Wornson	Financial inability claimed. Warning letter sent 1/25/95.
5-05-92	Plymouth Cooperative Oil Co.	Admin. Order/Penalty	WW	Murphy	Negotiating before filing.
5-12-92	Paris & Sons, Inc.	Site Registry	HC	Murphy	Negotiating before filing.
5-27-92	Beckett Chevrolet-Olds	Admin. Order	UT	Wornson	Financial inability claimed. Claimant completing financial documents.

6-23-92	Chickasaw County Board of Supervisors, Chickasaw County Sanitary Landfill	Admin. Order/Penalty	SW	Kennedy	County to include closing in FY 1997 budget. Letter regarding budget sent 12/19/95. Letter regarding budget and work plan received 5/14/96.
8-06-92	Randy Bonin and Vickie Brannick	Admin. Order/Penalty	SW	Kennedy	Clean-up progress is slow. Appellant's attorney to reply by 8/1/96.
8-24-92	Dean Hoeness d/b/a Hoeness & Sons	Admin. Order/Penalty	UT	Womson	Financial inability claimed. Insufficient documentation.
9-21-92	ITWC	Admin. Order/Penalty	AQ	Preziosi	Settlement close.
9-22-92	King's Terrace MHP	Admin. Order/Penalty	WW	Hansen	8/94-Letter to facility regarding resolution of appeal. Follow-up letter 3/96.
11-16-92	Frank Hulshizer	Admin. Order/Penalty	SW	Kennedy	Amended order issued 1/11/96.
12-14-92	Quantum	Permit Conditions	WW	Hansen	3/30/93 Dept. settlement offer made. 5/03/93 response from company. Company collecting data. Company response submitted 12/93. EPD to review information regarding permit calculations.
1-22-93	Pirelli Armstrong Tire Co.	Admin. Order/Penalty	SW	Kennedy	F.O. 5 to meet with company 2/26/96 regarding land application.
4-05-93	Mapleton, City of	WW Operator Certification	WW	Hansen	Under review by EPD. Appeal discussion with EPD staff.
4-12-93	LeMars, City of	Admin. Order/Penalty	WW	Hansen	Construction permit issued. Schedule submitted by City for remaining construction found unacceptable. Request for acceptable schedule - 1/31/96. Schedule received; under review by WW Permits.
4-19-93	Council Bluffs, City of	Permit Conditions	WW	Hansen	Under review by EPD.
4-21-93	Donald Udell	Admin. Order/Penalty	SW	Kennedy	Clean-up completed. Penalty settlement due.
4-26-93	Crane Co.	Admin. Order/Penalty	SW	Kennedy	DNR engineers meeting with company.
6-21-93	Jacobs Energy Corp., Inc	Permit Denial	AQ	Preziosi	Hearing continued.
7-06-93 7-28-93	Dennis E. Good Berniece K. Nease	Admin. Order	UT	Womson	1/25/96-Letter to parties regarding new UST Fund Innocent Owner Fund and requesting settlement conference.
7-09-93	Oakwood Park Water, Inc.	Admin. Order/Penalty	WS	Hansen	Construction permit issued 2/94. Facility to be installed by 11/30/94. Letter to attorney regarding appeal resolution. Response requested by 6/2/96. 5/30/96 - Response received indicating compliance and requesting waiver of penalty.
7-20-93	U.S. Dept. of Defense	Admin. Order/Penalty	UT	Womson	SCRs on the site and several others underway. Settlement with City of Sioux City.
8-03-93	Waldo Vannoy	Admin. Order	UT	Womson	Compliance initiated.
11-15-93	J.P. Schermmann, Inc.	Admin. Order/Penalty	UT	Womson	SCR accepted. Penalty letter sent 6/14/95. No response received.
11-16-93	Iowa Southern Utilities	Permit Conditions	AQ	Preziosi	Awaiting summary of issues from attorney.
12-23-93	Waverly Gravel & Ready-Mix aka Shell Rock Sand and Gravel	Admin. Order/Penalty	AQ	Preziosi	Negotiating penalty. Settlement close.
1-06-94 1-20-94	L.F. Everett and Betty Everett Gene Phillips d/b/a Phillips Sanitation	Admin. Order/Penalty	AQ	Preziosi	Consent amendment signed. Awaiting penalty payment.
1-07-94	Eli Shada	Admin. Order/Penalty	UT	Womson	SCR received 1/18/96; under review. Penalty settlement pending.
1-18-94	M & D Tire Processing, Inc.	Admin. Order/Penalty	SW	Kennedy	Clean-up progressing. Penalty settlement pending.
1-27-94	Archer-Daniels-Midland	Permit Conditions	AQ	Preziosi	Negotiating before filing.
2-14-94	Economy Solar Corp. (94-AQ-04)	Admin. Order/Penalty	AQ	Preziosi	Judicial review decision received in favor of DNR. No further appeal filed.
2-21-94	Toys "R" Us	Admin. Order/Penalty	UT	Womson	SCR received. Negotiating penalty.
2-28-94	Coastal Mart - Davenport	Admin. Order/Penalty	UT	Womson	Deficient SCR. Letter sent. Penalty on appeal.
3-03-94	Burlington Northern Railroad	Tax Certification	WW	Hansen	3/96 - Letter to company regarding appeal. Response requested by 4/30/96. 5/96 - Follow-

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					up letter sent Response requested by 6/28/96. Follow-up letter to be sent.
3-08-94	Country Stores of Carroll, Ltd.; Elite Ltd.; Roger Kanne; James Pietig (Logan) (Coon Rapids)	Admin. Order/Penalty	UT	Womson	All SCRs received. Settlement meeting 2/5/95. DNR response due.
4-19-94	Galva Union Elevator Co.	Admin. Order/Penalty	UT	Womson	Negotiating penalty.
5-10-94	Dennis Malone; Joanne Malone	Admin. Order/Penalty	UT	Womson	Untimely appeal. No closure as of 2/96.
5-27-94	Joseph L. Ranker; Daryl Hollingsworth	Admin. Order/Penalty	UT	Womson	Insurance to qualify for remedial benefits unpaid. Issued second Admin. Order for failure to register.
6-08-94	Larry & Kelly Miller	Admin. Order/Penalty	UT	Womson	SCR accepted 1/26/96 Negotiating penalty.
6-15-94	Lakeview Heights	Permit Conditions	WS	Hansen	Facility proposal under review by WS. DNR response to appeal - 4/96.
6-20-94	R D J. Farms and Donald Vogt	Admin. Order/Penalty	UT	Womson	SCR accepted - negotiating penalty.
6-24-94	Griffith Oil Corp.	Admin. Order	UT	Womson	SCR accepted - negotiating penalty.
6-24-94	Larence Otto	Admin. Order/Penalty	UT	Womson	SCR approved 2/1/96. Follow-up letter - 4/96.
7-07-94	Rose Bar Tire Shredding	Admin. Order	SW	Kennedy	In bankruptcy. 1/96 Working on fire lanes.
7-12-94	Tom Wiseman	Admin. Order/Penalty	UT	Womson	Appeal untimely Follow-up letter - 2/96.
7-15-94	Village Oaks Homeowners	Admin. Order/Penalty	WS	Hansen	WS reviewed file for compliance. 2/96 - in compliance and eligible for reduced monitoring
7-25-94	ACC Chemical Co.; Getty Chemical Co.	Permit Conditions	WW	Hansen	Appeal settled. Revised permit accepted by appellants. Sent to EPA for review 12/95. EPA response approving permit received Permit issued 2/96.
8-12-94	Karl and Thelma Boylan d/b/a Boylan's Service	Admin. Order/Penalty	UT	Womson	Inability to pay. Failed to return required documentation. Follow-up letter - 2/96
8-18-94	Thomas Scheetz d/b/a The Depot Food & Fuel	Admin. Order/Penalty	UT	Womson	SCR accepted - negotiating penalty.
8-29-94	Atlantic, City of	Admin. Order	WW	Hansen	Under review by EPD. Contacted EPD and FO regarding appeal resolution. 7/96 - City in compliance. City agrees to dismiss appeal. Closed.
8-29-94	B and B Tire and Oil	Admin. Order/Penalty	UT	Womson	SCR accepted - negotiating penalty.
9-01-94	Elmer R. Faust d/b/a Faust Garage & Grocery	Admin. Order/Penalty	UT	Womson	SCR accepted - negotiating penalty.
9-02-94	Crabtree Lake Resort	Admin. Order/Penalty	WW	Hansen	Facility in compliance.
9-06-94	HEW, inc.	Admin. Order/Penalty	AQ	Preziosi	3/1/96 - Amended order to be issued.
9-09-94	American Coals Corp., Site 5 (Bussey)	Admin. Order/Penalty	SW/AQ	Kennedy	Bankruptcy filed. Phone conversation regarding reorganization 1/23/96.
9-15-94	Bankston	Admin. Order/Penalty	WS	Hansen	1/95 - Information from City. Compliance initiated Respond to City regarding settlement.
9-16-94	Wunschel Oil Co.; Vernus Wunschel; Jacquelyn Wunschel; Mark Wunschel (Ida Grove)	Admin. Order/Penalty	UT	Womson	Consent order SCR received. Revisions to SCR required - overdue Follow-up letter sent 2/26/96
9-23-94	Chicago and Northwestern Transportation	Admin. Order/Penalty	SW/WW	Murphy	Settlement meeting held 7/30/96.
9-26-94	James D. Foust	Admin. Order/Penalty	SW	Kennedy	Settlement offer made 1/23/96. FO rejected offer.
10-07-94	Titan Wheel International	Admin. Order/Penalty	WW	Hansen	Revised BMR report submitted/reviewed by WW Permits. Letter to facility regarding report.
10-19-94	Ronald Sizemore; Mark Murphy	Admin. Order/Penalty	UT	Womson	Inability to pay documented. Review for UST Fund Innocent Owner or LUST Trust Fund.
10-25-94	Mike Murphy d/b/a Hawley Heating & Air	Admin. Order/Penalty	AQ	Preziosi	Consent order being finalized. Penalty paid 7/18/96.
10-26-94	Boomsma's Inc	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
10-27-94	George Dolan	Admin. Order/Penalty	UT	Womson	SCR accepted - negotiating penalty.
10-31-94	Woodbury Co. Highway Dept.	Admin. Order/Penalty	UT	Womson	SCR received - negotiating penalty.
10-31-94	Owens & Owens Realty, Inc.; Keith Owens; Howard Maurer	Admin. Order/Penalty	UT	Womson	Proposed decision 10/5/95. Appealed 11/3/95. EPC confirmed 2/19/96. Decision appealed 3/29/96. District Court for judicial review.

11-02-94	Richard Waugh	Admin. Order/Penalty	UT	Womson	Site check received - negotiating penalty.
11-10-94	Williams Pipeline Company	Permit Denial	AQ	Preziosi	Consultant working on permit application for AQ Bureau.
11-14-94	Tom Babinat d/b/a Tom's Car Care	Admin. Order/Penalty	UT	Womson	Inability to pay - request documentation.
11-28-94	Richard Beckett	Admin. Order/Penalty	UT	Womson	Referral to UST Fund Follow-up - 3/96.
12-14-94	Campbell Clean-Up Service	Permit Denial	AQ	Preziosi	Negotiating before filing.
1-10-95	Steamboat Rock	Admin. Order	WS	Hansen	2/95 - Settlement offer by City and response by Dept. 4/95 - Dept. letter to City regarding settlement. 5/95-construction approved by WS section for chlorination equipment. 1/17/96 - Letter to City regarding resolution of appeal. No response as of 2/28/96. Dept. follow-up letter - 3/96. Response from City 4/8/96.
1-11-95	Henry and Randy Krohn d/b/a Krohn Construction	Admin. Order/Penalty	AQ/SW	Kennedy	Settlement offer made. FO rejected offer.
1-13-95	James and Roxann Neneman	Admin. Order/Penalty	UT	Womson	Inability to pay. Forms sent. No response. Follow-up - 3/96.
1-13-95	Simonsen Industries, Inc.	Admin. Order/Penalty	WW	Hansen	2/28/95 - Submittal by facility's engineer regarding land application of sludge. Under review by WW permits staff.
2-23-95	Lehigh Portland Cement	Permit Conditions	WW	Hansen	Informal settlement meeting held on 6/96. Facility to provide status report regarding TSS permit limit by 9/20/96.
2-27-95	Sale-R-Villa Construction	Admin. Order/Penalty	AQ	Preziosi	Settlement meeting held 5/23/96. Facility to submit written proposal.
3-23-95	American Coals Corp.	Admin. Order	SW	Kennedy	In bankruptcy. Phone conversation 1/23/96 regarding reorganization.
4-13-95	The Weitz Corp.; Barton Solvents, Inc.	Admin. Order	HC	Kennedy	Remediation plan received 5/27/96.
4-19-95	Otis Schultz d/b/a Schultz Oil Co	Admin. Order/Penalty	UT	Womson	SCR accepted - negotiating penalty.
4-26-95	Larry Royer	Admin. Order/Penalty	WW	Clark	Second settlement letter 6/14/96. FO 4 to confirm compliance-penalty negotiations to follow.
5-03-95	Bacon Addition Homeowners Assn.	Admin. Order/Penalty	WS	Clark	Settlement contact letter 6/17/96. Substantial compliance due 7/31/96-penalty negotiations to follow.
5-04-95	Margaret & Weldon Shoppa d/b/a M & W Mobile Home Park	Admin. Order	WW	Kennedy	Letter requesting construction schedule - 12/95. Response unsatisfactory. Hearing held 5/17/96. Admin. Order affirmed 5/29/96.
5-05-95	C & O Recycling Enterprises; Douglas W. Owen	Permit Denial	AQ	Preziosi	Negotiating before filing.
5-23-95	Leonard Bormann	Admin. Order/Penalty	UT	Womson	SCR received 10/26/95. Free product report overdue. Follow-up - 3/96.
5-25-95	Ferris Sullivan d/b/a Sullivan's Sinclair	Admin. Order/Penalty	UT	Womson	Revised SCR received - negotiating penalty.
5-25-95	Marty Feinberg d/b/a Feinberg Scrap Iron; Betty Feinberg; F & F Metals	Admin. Order/Penalty	HC/WW	Kennedy	Hearing set for 8/96. Clean-up continuing.
5-25-95	E.I. DuPont DeNemours (95-A-133)	Permit Conditions	AQ	Preziosi	Awaiting engineering evaluation.
5-30-95	Economy Solar Corp.; Jeffrey C. Intlekofer (95-AQ-14)	Admin. Order/Penalty	AQ	Murphy	Negotiating before filing.
5-30-95	Earth Media Technologies	Admin. Order/Penalty	SW	Kennedy	In the process of clean-up.
5-31-95	E.I. DuPont DeNemours (91-A-266 thru 91-A-269)	Permit Conditions	AQ	Preziosi	Awaiting engineering evaluation.
6-01-95	Mark Twain Meadows Assoc.	Admin. Order/Penalty	WS	Kennedy	Negotiating before filing.
6-07-95	Cumberland Ridge Homeowners	Admin. Order/Penalty	WS	Kennedy	Awaiting penalty payment - due 8/1/96.
6-09-95	Don Peterson d/b/a Peterson Backhoe	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
6-16-95	Allison Fire Dept.; City of Allison	Admin. Order/Penalty	AQ	Preziosi	Awaiting penalty payment.
6-16-95	Pilot Oil Corporation	Admin. Order/Penalty	WW/UT	Murphy	Site clean-up proceeding.
6-20-95	Toledo, City of	Permit Conditions	WW	Hansen	WW permits to negotiate settlement. Status of negotiations requested 1/9/96.
6-23-95	Leonard C. Page	Admin. Order/Penalty	SW	Kennedy	Penalty settlement due 7/30/96.

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6-29-95	White Oaks Homeowners Assn.	Admin. Order/Penalty	WS	Hansen	Informal meeting held 3/8/96. 4/25/96 follow-up letter to facility. 5/96 - Facility response received. Meeting held 6/96. Facility to provide signed agreement by 7/31/96 for new water source that meets MCL requirements.
7-03-95	Donald J. Foreman d/b/a D & R Feedlots	Admin. Order/Penalty	WW	Hansen	Negotiating before filing.
7-05-95	Boyer Valley Co.	Admin. Order/Penalty	WW	Hansen	Informal meeting held for 6/7/96. Response from facility due 6/28/96. Response received from facility 7/96.
7-10-95	Donald Krieger	Admin. Order/Penalty	UT	Wornson	Tanks removed. Report due.
7-10-95	Gilbert Persinger	Admin. Order/Penalty	UT	Wornson	SCR received - rejected. Review progress - 4/96.
7-13-95	Organic Technologies Corp.	Admin. Order	SW	Kennedy	Hearing set for 8/14/96.
7-28-95	Harold T. Knott; James C. Knott	Admin. Order	UT	Wornson	Negotiating before filing.
8-01-95	Wilbur McNear d/b/a McNear Oil Co	Admin. Order/Penalty	UT	Wornson	SCR not received as of 2/29/96.
8-18-95	Holiday Mobile Lodge, Inc.	Admin. Order/Penalty	AQ/SW	Kennedy	Appellant's attorney reply due 2/29/96.
8-18-95	Redmond Enterprises, Inc.	Admin. Order	UT	Wornson	Compliance initiated.
8-24-95	Shell Rock Products, Inc.	Admin. Order/Penalty	AQ/SW	Kennedy	Settlement offer due 8/1/96.
8-29-95	Iowa City, City of	Admin. Order	WW	Hansen	Schedule for amended AO agreed upon. Proposed amended AO sent to City attorney for review. AO issued. City agrees to dismissal of appeal. ALJ issued order dismissing appeal. Closed.
9-06-95	Kraft Foods Inc.; Oscar Mayer Division	Variance Denial	WW	Hansen	Informal meeting held 10/10/95. Information to be submitted by Kraft to WS section. Follow-up letter requesting information sent 1/12/96. Letter 2/19/96 granting additional time for information. 6/96 - additional information received by WS staff for review.
9-12-95	Colwell, City of	Admin. Order/Penalty	WS	Hansen	12/21/95 - Letter to City requiring 2nd round monitoring/reporting prior to penalty reduction discussions. 3/31/96 - no response from City. 6/96 - City contacted regarding status of compliance and appeal. Response due 7/26/96. No response to date.
9-20-95	FKI Industries, Inc.; Fairfield Aluminum, Inc.	Admin. Order	WW/HC	Murphy	Negotiating before filing.
10-09-95	E.L. Incorporated	Admin. Order/Penalty	SW	Kennedy	Appellant no longer accepting waste. Renewal permit may be requested.
10-17-95	Tri-County Bank	Admin. Order/Penalty	AQ	Preziosi	Awaiting penalty payment.
10-17-95	Weber Construction, Inc.	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
11-02-95	Salsbury Chemicals, Inc.	Permit Conditions	WW	Hansen	Informal meeting held 12/4/95. Company response 1/26/96. Review by WW permits completed 3/21/96. Under review by WQ section. 6/96 - letter received from company regarding appeal. Under review by EPD.
11-03-95	Jack Pinney Operations, Inc. aka Jack Pinney Grading	Admin. Order/Penalty	AQ	Preziosi	Settlement close.
11-14-95	Mike Barker	GW Professional Denial	UT	Wornson	Settlement negotiations underway.
11-21-95	Gary Watson	Admin. Order/Penalty	WW	Clark	Negotiating before filing.
12-12-95	Vernon Kinsinger; K & K Sanitation	Admin. Order/Penalty	AQ/SW	Kennedy	Informal meeting held.
12-13-95	Roy Burger	Admin. Order/Penalty	UT	Wornson	Compliance complete - negotiating penalty.
12-18-95	Omega Cabinets	Permit Denial	AQ	Preziosi	Consent order signed. Awaiting penalty payment.
12-27-95	Ag Processing, Inc.	Permit Denial	AQ	Preziosi	Negotiating before filing.
12-28-95	Marvin Wernimont; Filter Friend Recycling	Admin. Order/Penalty	AQ/SW	Kennedy	Penalty paid 7/2/96. Settled.
12-28-95	Site Services, Ltd	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
12-29-95	Spencer Memorial Hospital	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
1-04-96	Catherine E. Meredith	Admin. Order	UT	Wornson	Current owner to complete SCR.



1-04-96	Massena, City of	Admin. Order/Penalty	WW	Clark	Negotiating before filing.
1-08-96	Westside Park for Mobile Homes	Admin. Order/Penalty	WW	Hansen	Past due monthly monitoring reports submitted to FO 6. Facility inspection 2/28/96 by FO 6/.
1-11-96	Climax Molybdenum Company	Admin. Order/Penalty	AQ/HC	Preziosi	Negotiating before filing.
1-12-96	Clarence, City of	Admin. Order/Penalty	WW	Hansen	1/96 - Facility inspected by FO 6. Negotiating before filing.
1-17-96	All-States Quality Foods, L.P.	Admin. Order/Penalty	WW	Murphy	Settlement offer 5/26/96.
1-18-96	Neola Light & Water	Admin. Order	WS	Hansen	Informal meeting held 3/4/96 and 6/4/96. 6/96 - Proposed amended order with revised schedule and amended permit sent to City attorney for review. Amended AO and permit provide for installation of chlorination equipment by 8/15/96. 7/96 - Amended AO and permit issued. Appeal resolved. Closed.
1-19-96	Bill Shirbroun d/b/a Was Broken Pallet	Admin. Order/Penalty	AQ/SW	Kennedy	Negotiating before filing.
1-22-96	Daryl Hollingsworth and Karen Hollingsworth d/b/a Medora Store	Admin. Order/Penalty	UT	Wornson	Negotiating before filing.
1-24-96	Jolly Roger Campground	Admin. Order/Penalty	WW	Clark	Negotiating before filing.
1-25-96	Hidden Valley Mobile Home Park	Admin. Order/Penalty	WW	Clark	Negotiating before filing.
1-25-96	Markley Knock d/b/a Knock's Building Supply	Admin. Order/Penalty	AQ/SW	Kennedy	Phone conference with attorney regarding settlement - due 5/30/96.
1-30-96	Dean Williams d/b/a Williams Oil Co.	Admin. Order/Penalty	UT	Wornson	Compliance initiated.
2-06-96	Russell Stag	Admin. Order/Penalty	AQ/SW	Kennedy	Negotiating before filing.
2-12-96	Solid Waste Management Commission of Marshall County	Tonnage Fees	SW	Kennedy	Hearing set for 5/31/96
2-20-96	Center Point	Permit Conditions	WW	Hansen	7/96 - City accepted permit amendments. Closed.
3-04-96	Edward Bodensteiner	Admin. Order/Penalty	UT	Wornson	Negotiating before filing.
3-04-96	Ames, City of	Permit Conditions	WS	Hansen	Informal meetings held 3/22/96 and 3/28/96.
3-11-96	Dallas County Care Facility	Admin. Order/Penalty	WW	Hansen	Negotiating before filing.
3-11-96	Marlin Brenneman	Admin. Order/Penalty	WW	Clark	Negotiating before filing.
3-14-96	Laurel, City of	Admin. Order	WW	Hansen	Information submitted by city under review by WQ section.
3-14-96	Lamoni, City of	Admin. Order	WW	Hansen	Negotiating before filing.
3-19-96	Obie's West	Admin. Order	WS	Hansen	Under review by WS section.
3-22-96	Mt. Joy Mobile Home Park	Admin. Order/Penalty	WW	Hansen	3/25/96 Inspection by FO 6. Facility in compliance.
3-26-96	Louisa-Muscataine Community School	Admin. Order/Penalty	WS	Hansen	Negotiating before filing.
4-04-96	Richard Hocraffer (DeCoster Farms)	Water Use Permit	WR	Clark	Negotiating before filing.
4-19-96	C & I Eggs	Admin. Order/Penalty	WW	Clark	Negotiating before filing.
5-03-96	Mildred Eileen Bentley	Admin. Order/Penalty	AQ/SW	Kennedy	Negotiating before filing.
5-07-96	Lakeview Mobile Home Park	Admin. Order/Penalty	WW	Hansen	6/20/96 - informal meeting held. Facility to provide settlement offer by 7/15/96. Settlement offer received from facility - under review.
5-08-96	Vermeer Mfg. Co. (96AQ06)	Admin. Order/Penalty	AQ	Preziosi	Drafting consent order.
5-13-96	CGB Printing Co.	Admin. Order/Penalty	AQ	Preziosi	Penalty paid 7/29/96. Settled.
5-14-96	Gary Lee Walker	Admin. Order/Penalty	AQ/SW	Kennedy	Negotiating before filing.
5-16-96	Grand Laboratories, Inc.	Permit Denial	WW	Hansen	Negotiating before filing.
5-29-96	Champion Intl. Corp.	Permit Denial	AQ	Preziosi	Negotiating before filing.
5-29-96	Haasco, Ltd.	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
6-03-96	Mederer Corp.	Admin. Order/Penalty	WW	Murphy	Negotiating before filing.
6-07-96	Clow Valve Company	Permit Conditions	AQ	Preziosi	Negotiating before filing.
6-07-96	Koehring Cranes, Inc.	Open Burning Variance Denial	AQ	Preziosi	Negotiating before filing.

6-10-96	DeCoster Farms of Iowa	Admin. Order	WW	Clark	Hearing set for 9/13/96.
6-10-96	DeCoster Farms of Iowa	Permit Denial	WR	Clark	Hearing set for 9/13/96
6-17-96	Winsor Oil Co., Inc. ; Joyce Winsor	Admin. Order/Penalty	UT	Wornson	Sent to DIA.
6-19-96	Appanoose Co. Sanitary Landfill	Permit Modification Denial	SW	Kennedy	Negotiating before filing.
6-25-96	Bernie Brauns d/b/a Brauns Waste Mgmt. & Excavating	Admin. Order/Penalty	AQ/SW	Kennedy	Negotiating before filing.
7-08-96	Becker Gravel Co., Inc	Admin. Order/Penalty	WW/FP	Clark	New case
7-11-96	Ron Rupe	Admin. Order/Penalty	SW	Kennedy	New case
7/17/96	Richard L. Magdefrau	Admin. Order/Penalty	AQ/SW	Kennedy	New case

Mr. Stokes reviewed the routine monthly reports and noted that an update on the Washburn wastewater treatment facility was placed at each Commissioners table.

Charlotte Mohr commented that no one from the Attorney General's Office has been over lately to give the Commission an update on the list of Contested Cases and the Referrals Report. She noted that it could be beneficial to the new Commissioners to have a review of those cases.

Mr. Stokes stated that staff will invite a representative from the AG's Office next month to provide a status update on the case load.

<b>INFORMATIONAL ONLY</b>
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## **INTERAGENCY AGREEMENT - LINN COUNTY AIR POLLUTION CONTROL PROGRAM**

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve the attached interagency agreement between the Department and the Linn County Board of Health. This agreement sets forth each agency's role in the ongoing implementation of the Linn County air quality construction permitting program and the Title V operating permit program mandated by the Clean Air Act Amendments of 1990.

The duties of the Linn County Air Pollution Control staff include reviewing applications and issuing permits for the construction of new air pollution sources, monitoring ambient air quality, performing inspections; and reviewing and drafting final Title V operating permits.

The agreement is for the period of July 1, 1996 through June 30, 1997. The agreement establishes four equal payments from the air contaminant fund, totaling \$281,224.

(A copy of the agreement is on file in the department's Records Center)

Mr. Stokes presented a history of the interagency agreement program for the benefit of the new Commissioners. He gave a detailed explanation of the contract with Linn County.

*Motion was made by Verlon Britt to approve the Interagency Agreement for Linn County Air Pollution Control Program at a cost of \$281,224. Seconded by Terrance Townsend. Motion carried unanimously.*

APPROVED AS PRESENTED

## **PROPOSED RULE--CHAPTER 61, WATER QUALITY STANDARDS, SECTION 401 CERTIFICATION OF SECTION 404 NATIONWIDE PERMITS**

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be presented with a draft Notice of Intended Action which would initiate rulemaking to provide Section 401 water quality certification for reissued or new Corps Section 404 nationwide permits (NWP). Section 401 of the Clean Water Act requires that before the Corps can issue a Section 404 permit for the discharge of dredged or fill material into the nation's waters, the state water quality agency must certify that the proposed action will not violate state water quality standards. NWPs are general or "blanket" permits authorizing minor activities on a nationwide basis.

The Corps recently issued notice that they are proposing to reissue all existing NWPs (some with modifications) and to issue four new NWPs. All but one of the existing NWPs expire on January 21, 1997. The Corps' notice also served as the Corps' request to states to issue, deny, or waive Section 401 certification for the reissued and new NWPs. Failure to issue or deny certification within 60 days of the Corps' final action would constitute waiver (i.e., *de facto* issuance) of certification.

The Corps is currently requesting comments on the proposed new NWPs as well as the proposed changes to existing NWPs. Therefore, the NWPs eventually adopted by the Corps may differ from the proposed NWPs as published in the June 17, 1996 Federal Register. The Notice of Intended Action will note this and indicate that comments provided during the public comment period will be used by the Commission in their decision to provide or deny certification after publication of the Corps' final rule (it is anticipated that the final rule will be adopted in November or December, 1996). If the EPC's Notice of Intended Action were delayed until the Corps published their final rule, certification could not be provided within the 60 day time period and the Corps would have to assume the Commission waived certification.

(A copy of the proposed rule is on file in the department's Records Center)

Mr. Stokes distributed copies of the proposed rule and explained details of same.

<b>INFORMATIONAL ONLY</b>
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## **NOTICE OF INTENDED ACTION--CHAPTER 20, REVISION OF POTENTIAL TO EMIT FOR EMERGENCY GENERATORS**

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve the attached Notice of Intended Action to amend Chapter 20, "Scope of Title - Forms - Rules of Practice," and Chapter 22, "Controlling Pollution," 567 Iowa Administrative Code.

The purpose of this rule-making is to amend the definition of "potential to emit" pertaining to construction permits and Title V operating permits, as the term specifically applies to emergency generators. "Potential to emit" is defined in the Clean Air Act. The United States Environmental Protection Agency has provided guidance which relaxes the definition for country grain elevators and emergency generators.

Under current rule, potential to emit for these sources is a throughput estimate based upon year-round operation of the sources at the sources' maximum rate of operation. However, unique inherent physical limitations and operational design features restrict the potential emissions of emergency generators. If these limitations are not taken into account, potential emissions for these sources could be overestimated. Emergency generators to which the amended definitions apply may not need a Title V operating permit and may not need to pay the Title V fee.

These items were part of another Notice of Intended Action, but were held due to changes made to address issues raised during the public comment period. In Item 1 and 3, 20.2 and 22.100, "whose" was replaced by "of which the". Secondly, in Item 2 and 4, 20.2 and 22.100, the definition was changed to establish 500 hours as the default maximum capacity for calculating the potential to emit, as set forth in EPA guidance.

### **ENVIRONMENTAL PROTECTION COMMISSION [567] Notice of Intended Action**

Pursuant to the authority of Iowa Code section 455B.133, the Environmental Protection Commission hereby gives Notice of Intended Action to amend Chapter 20, "Scope of Title - Definitions - Forms - Rules of Practice," and Chapter 22, "Controlling Pollution," 567 Iowa Administrative Code.

Item 1 adds the definition of "emergency generator," to 567--20.2, pertaining to construction permits.

Item 2 amends the definition of "potential to emit" as the term specifically applies to emergency generators, to 567--20.2, pertaining to construction permits.

Item 3 adds the definition of "emergency generator" to 567--22.100, pertaining to Title V Operating Permits.

Item 4 amends the Title V definition of "potential to emit" as the term specifically applies to emergency generators. Under current rule, potential to emit for these sources is a throughput estimate based upon year-round operation of the sources at the sources' maximum rate of operation.

"Potential to emit" is defined in the Clean Air Act. The United States Environmental Protection Agency has provided guidance which relaxes the definition for emergency generator and country grain elevator source categories.

Any person may make written suggestions or comments on the proposed rules on or before \_\_\_\_\_. Written comments should be directed to Scott Vander Hart, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand Avenue, Des Moines, Iowa 50319-0034, FAX (515) 281-8895.

A public hearing will be held on \_\_\_\_\_ at \_\_\_\_\_ in \_\_\_\_\_, at which time comments may be submitted orally or in writing.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility, should contact the Department of Natural Resources to advise the Department of any specific needs.

This amendment may impact small business.

This amendment is intended to implement Iowa Code section 455B.133.

The following amendment is proposed.

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ITEM 1. Add the following new definition, in alphabetical order, to 567-- 20.2(455B)  
**Definitions:**

*"Emergency generator"* means any generator of which the sole function is to provide emergency back-up power when electric power from the electric utility is unavailable. An emergency generator does not mean:

- a. A peaking unit at electric utilities; or
- b. A generator at industrial facilities that typically operate at low rates, but are not confined to emergency purposes; or
- c. Any standby generator that are used during time periods when power is available from the electric utility.

ITEM 2. Amend the definition of "Potential to emit" to **567-- 20.2(455B) Definitions:**

*"Potential to emit"* means the maximum capacity of a stationary source to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a source to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation is enforceable by the administrator. This term does not alter or affect the use of this term for any other purposes under the Act, or the term "capacity factor" as used in Title IV of the Act or the regulations relating to acid rain.

For the purpose of determining the potential to emit for country grain elevators, the "maximum capacity" means the greatest amount of grain received by the elevator during one year of the previous five year period, multiplied by an adjustment factor of 1.2. If the source is subject to new source construction permit review, than potential to emit is defined as stated above or as established in a federally enforceable permit.

For purposes of calculating potential to emit for emergency generators "maximum capacity" means 500 hours of operation annually, the number of hours specified in a limitation enforceable by the administrator, or 8760 hours of operation annually.

ITEM 3. Add the following new definitions, in alphabetical order, to **567--22.100(455B) Definitions for Title V Operating Permits:**

*"Emergency generator"* means any generator of which the sole function is to provide emergency back-up power when electric power from the electric utility is unavailable. Emergency generator does not mean:

- a. A peaking units at electric utilities; or
- b. A generators at industrial facilities that typically operate at low rates, but are not confined to emergency purposes; or
- c. Any standby generator that are used during time periods when power is available from the electric utility.

ITEM 4. Amend the definition of *"potential to emit"* in **567--22.100(455B) Definitions for Title V Operating Permits** as follows:

*"Potential to emit"* means the maximum capacity of a stationary source to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a source to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation is enforceable by the administrator. This term does not alter or affect the use of this term for any other purposes under the Act, or the term "capacity factor" as used in Title IV of the Act or the regulations relating to acid rain.

For the purpose of determining potential to emit for country grain elevators, the "maximum capacity" means the greatest amount of grain received by the elevator during one year of the previous five years period, multiplied by an adjustment factor of 1.2.

For purposes of calculating potential to emit for emergency generators, "maximum capacity means 500 hours of operation annually, the number of hours specified in a limitation enforceable by the administrator, or 8760 hours of operation annually.

Mr. Stokes stated that this rule was previously before the Commission and provided for potential to emit for emergency generators as well as for potential to emit for country grain elevators. He explained that this has now been split into separate rules for the appropriate situation.

Gary Priebe asked if these rules pertain to farms with emergency generators of 30,000 watts.

Mr. Stokes replied that it could very well cover them and he will clarify that at the next meeting.

INFORMATIONAL ONLY
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## **FINAL RULE--CHAPTER 20, POTENTIAL TO EMIT FOR COUNTRY GRAIN ELEVATORS**

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve the attached amendments to Chapter 20, "Scope of Title - Forms - Rules of Practice," and Chapter 22, "Controlling Pollution," 567 Iowa Administrative Code.

Defining the "Potential to emit" for emergency generators was originally part of this Notice of Intended Action, but was removed to address issues raised during the public comment period.

The purpose of this rule-making is to amend the definition of "potential to emit" pertaining to construction permits and Title V operating permits by establishing the maximum capacity, as the term specifically applies to country grain elevators. "Potential to emit" is defined in the Clean Air Act. The United States Environmental Protection Agency has provided guidance which relaxes the definition for country grain elevators.

Under current rule, potential to emit for these sources is a throughput estimate based upon year-round operation of the sources at the sources' maximum rate of operation. However, unique inherent physical limitations and operational design features restrict the potential emissions of country grain elevators. If these limitations are not taken into account, potential emissions for these sources could be overestimated. Country grain elevators to which the amended definitions apply may not need a Title V operating permit and may not need to pay the Title V fee.

Three changes have been made to the Notice of Intended Action as a result of comments made during the public comment period. In Item 1, 20.2, language has been added to the definition of "country grain elevator" to ensure this definition is not applicable for new source construction permit review. In Items 1 and 2, 20.2 and 22.100, the language "as defined by 40 CFR

60.301(a)" has been added to define grain in the definition for "country grain elevator." In Items 1 and 3, 20.2 and 22.100, the definition "potential to emit" for country grain elevators' existing language has been changed to define this item as the "maximum capacity" used to calculate the potential to emit. Also, the term "any of the previous five years" has been changed to "one year of the previous five year period."

**ENVIRONMENTAL PROTECTION COMMISSION [567]  
Filed and Adopted**

Pursuant to the authority of Iowa Code section 455B.133, the Environmental Protection Commission hereby to amends Chapter 20, "Scope of Title - Definitions - Forms - Rules of Practice," and Chapter 22, "Controlling Pollution," 567 Iowa Administrative Code.

Defining the "Potential to emit" for emergency generators was originally part of this Notice of Intended Action, but was removed to address issues raised during the public comment period.

Item 1 adds the definitions of "country grain elevator," and "potential to emit" to 567--20.2, pertaining to construction permits. This item also adds definitions of "potential to emit" as the term specifically applies to country grain elevators.

Item 2 adds the definition of "country grain elevator" to 567--22.100, pertaining to Title V Operating Permits.

Item 3 amends the Title V definition of "potential to emit" as the term specifically applies to country grain elevators. Under current rule, potential to emit for these sources is a throughput estimate based upon year-round operation of the sources at the sources' maximum rate of operation.

"Potential to emit" is defined in the Clean Air Act. The United States Environmental Protection Agency has provided guidance which relaxes the definition for country grain elevator source category.

The adjustment factor of 1.2 is used to account for additional considerations that may affect the maximum harvest, such as an increase in the number of acres harvested in a local area, and increases in crop yields. This helps to ensure that the actuals do not exceed the potential to emit.

These amendments may impact small business.

These amendments are intended to implement Iowa Code section 455B.133.

These amendments will become effective October 16, 1996.

The following amendments are adopted.

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ITEM 1. Add the following new definitions, in alphabetical order, to 567-- 20.2(455B)  
**Definitions:**



*"Country grain elevator"* means any grain elevator that receives more than fifty percent of its grain, as defined by 40 CFR 60.301(a), produced by farms in the vicinity. This definition does not include grain terminal elevators or grain storage elevators, as defined in paragraph 23.1(2) "ooo".

*"Potential to emit"* means the maximum capacity of a stationary source to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a source to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation is enforceable by the administrator. This term does not alter or affect the use of this term for any other purposes under the Act, or the term "capacity factor" as used in Title IV of the Act or the regulations relating to acid rain.

For the purpose of determining potential to emit for country grain elevators, "maximum capacity" means the greatest amount of grain received by the elevator during one year of the previous five year period, multiplied by an adjustment factor of 1.2. If the source is subject to new source construction permit review, than potential to emit is defined as stated above or as established in a federally enforceable permit.

ITEM 2. Add the following new definition, in alphabetical order, to **567--22.100(455B) Definitions for Title V Operating Permits:**

*"Country grain elevator"* means any grain elevator that receives more than fifty percent of its grain, as defined by 40 CFR 60.301(a), produced by farms in the vicinity. This definition does not include grain terminal elevators or to grain storage elevators, as defined in paragraph 23.1(2) "ooo".

ITEM 3. Amend the definition of *"potential to emit"* in **567--22.100(455B) Definitions for Title V Operating Permits** as follows:

*"Potential to emit"* means the maximum capacity of a stationary source to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a source to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation is enforceable by the administrator. This term does not alter or affect the use of this term for any other purposes under the Act, or the term "capacity factor" as used in Title IV of the Act or the regulations relating to acid rain.

For the purpose of determining potential to emit for country grain elevators, "maximum capacity" means the greatest amount of grain received by the elevator during one year of the previous five year period, multiplied by an adjustment factor of 1.2.

(A copy of the Responsiveness Summary is on file in the department's Records Center)

Mr. Stokes briefly reviewed the rules.

*Motion was made by Terrance Townsend to approve Final Rule--Chapter 20, Potential to Emit for Country Elevators. Seconded by Charlotte Mohr. Motion carried unanimously.*

**APPROVED AS PRESENTED**

Following lunch break Chairperson King asked Allan Stokes to explain the breakout of the air program under Item 4, Budget Items. Mr. Stokes reviewed the details of the Air Quality Program budget. He noted that there is a meeting scheduled with the task force this Friday to determine which charges could legitimately come out of the Title V fees.

### **REFERRALS TO THE ATTORNEY GENERAL**

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

A. J. DeCoster (Wright County) - water pollution

TM & M Inc. Environmental Services (Fremont, NE) -

Fernald Water Supply (Story County) - administrative penalty

Fred Humiston, dba Cedar River Trailer Park (Louisa County) - drinking water

### **TM & M Inc. Environmental Services**

Mr. Murphy explained for the benefit of the new Commissioners the types of enforcement actions used by the department and Commission such as Administrative Orders, Referrals to the Attorney General, administrative hearings and appeals.

Mr. Murphy briefed the Commission on the history of this case involving an overdue administrative penalty assessed for pollution problems relating to hog waste disposal.

Brief discussion followed.

*Motion was made by Kathryn Murphy for referral to the Attorney General's Office. Seconded by Terrance Townsend. Motion carried unanimously.*

**REFERRED**

### **Fernald Water Supply**

Mr. Murphy briefed the Commission on this history of this case involving the failure to perform lead and copper monitoring at a public water supply system.

Brief discussion followed.

*Motion was made by Charlotte Mohr for Referral to the Attorney General's Office. Seconded by Verlon Britt. Motion carried unanimously.*

**REFERRED**

### **Fred Humiston, dba Cedar River Trailer Park**

Mr. Murphy asked that this case be tabled for 30 days as one of the parties could not make it to today's meeting. He noted that the owner has retained a certified operator and they are now below the maximum contaminant level for nitrates.

*Motion was made by Terrance Townsend to table this referral until the September Commission meeting. Seconded by Kathryn Murphy. Motion carried unanimously.*

**TABLED UNTIL SEPTEMBER**

### **A. J. DeCoster**

Mr. Murphy reviewed that this case was up for referral last month and motion to refer failed 4-4, and staff are requesting again to refer the case. He explained that the procedural rules of the Commission indicate that each monthly meeting is a separate session, and the fact that a matter did not pass in a former session is no inhibition on bringing it up for new consideration. Mr. Murphy stated that on May 3, the department received a complaint that a stream in the vicinity of Nursery Unit #3 in Wright County appeared to have pollution problems. Staff investigated and documented some level of pollution (ammonia nitrogen) coming from a tile and going into Drainage Ditch 213. He related that staff went to the DeCoster facility and there was no one there to talk to, but they were able to contact someone on Monday. Mr. Murphy noted that when it was documented that the waste was coming from the De Coster facility they did take action to abate the problem. He stated that staff feel it should be referred in view of the number of past violations by this facility and the high strength waste discharge involved in this

case. He also explained the habitual violator provision and noted that it is important for the department and Commission to use that provision.

Discussion followed regarding the habitual violator provision and the number of strikes against this facility.

#### **Appointment - Bill Smith**

Bill Smith, attorney for A.J. DeCoster, distributed copies of IAC Rules, Chapter 10, Administrative Penalties. He objected to the matter being before the Commission again relating that it is improperly on the agenda. He indicated that the two new Commissioners must be confirmed by the Senate to serve on the Commission and therefore he would object to their participation in this matter. Mr. Smith stated that the EPC has never formally adopted rules as to what should be the criteria for referral. He noted that the purpose of Chapter 10, Section 10, was to fine people more severely for severe events. He discussed the criteria for referral and related that it should be the basis for each Commissioner to determine if it is something that deserves being referred rather than if a person has had three or four events over the last four years and is named Jack DeCoster. He distributed copies of a map of the area showing Nursery Unit #3 and Drainage District 213. Mr. Smith spoke of the tests and samples taken by a DNR employee on May 3 and noted that no one contacted DeCoster Farms that day even though they have a 24-hour telephone line. He related that DNR did not call until Monday, May 6, and steps were taken immediately to abate the problem. He indicated that on May 8 a news release from DNR noted that a very small amount of waste escaped the facility and that there was no damage to drinking water and no fish were lost. He referred to the maps of the area and reviewed how the lagoon was constructed and subsequently how the waste leaked into the tile line. He told how the company did trenching to prevent such accidents. Mr. Smith stressed that no DeCoster facility in Iowa has ever caused a fish kill or any pollution. He noted that they did not cut corners to save money in building the facility and spent a lot of money to be sure it was done right. He discussed the economic benefit factor, gravity of the situation, culpability and HF 519, and expanded on those issues. He added that the principles are very important in this matter and asked the Commission to do the right thing.

#### **Appointment - Dave Sheridan**

Dave Sheridan, Attorney General's Office, stated that he would like to address some misstatements made at last month's Commission meeting and the merits of whether or not the Commission should refer the matter. He noted that when he returned from his vacation he immediately called Bill Smith about those misstatements and indicated that he wanted to correct the record. Mr. Sheridan quoted Bill Smith from last month's meeting as saying, "I understand from the Attorney General's Office that a decision has already been made to refer this." "I say that because he (Mr. Sheridan) has represented to the courts that this matter is being referred to the Attorney General's Office." Mr. Sheridan emphasized that both of those statements are incorrect. He referred to two documents filed in the court records in which he states "the proposed referral will be considered by the Iowa Environmental Protection Commission this

July 15, 1996 meeting.” Mr. Sheridan indicated that the next day he filed a brief in support of a resistance to the motion for separate trials stating the same quote. He related that he never represented to the court that the decision to refer had already been made, adding that it is the EPC who makes that decision. He noted that four hours before the EPC met last month he was on the phone with Bill Smith and the trial judge to set a trial date, and in that hearing he said the EPC would be considering referral that afternoon. Mr. Sheridan stated that Chapter 10, Administrative Penalties, under 10.2(7), states that the rules do not restrict or limit the authority of the Commission to refer to the AG’s Office and those rules are things that should be considered. He noted that the levels of ammonia nitrate coming out of the tile outfall from DeCoster’s lagoon were high enough to be toxic and would kill anything that swims. He related that even though no one saw any dead fish it was undisputed that there was a very highly polluted toxic waste found and was an illegal discharge to the waters of the state. Mr. Sheridan reviewed the enforcement history for A.J. DeCoster covering violations in January 1994, April 1994, and a previous referral a year ago. He also recapped violations at other DeCoster sites around the state. He stressed that both of the prior Administrative Orders prohibited DeCoster from any further illegal discharge of waters to the state, and those two Orders in addition to the statute and rules were violated. Mr. Sheridan urged the Commission to refer the matter and send a message that the EPC stands to protect the environment.

Bill Smith stated that the comments he attributed to Mr. Sheridan were made in oral argument in front of the judge and there is no doubt what he said, alluding that Mr. Sheridan told the judge the EPC is going to have another matter pending, which preassumed the Commission’s result. Mr. Smith discussed the matter which was referred last year and related that to suggest it was an intentional act is an egregious misstatement of the record. He discussed the figures from the DNR tests at Nursery Unit 3 and noted that the DNR press release stated it did not damage the environment. He discussed solids, chlorides, ammonias, and Ph levels in the river and noted that it is unfair and improper to try to get the Commission to believe it was a huge spill or causing huge damage.

Gary Priebe asked if it is considered a spill if effluent does not leave private property.

Mr. Murphy responded that the water that flows through an area is not private property. He related that if a hazardous condition is contained on private property and can get to the groundwater, it is not retained on the property but is going into a resource of the state.

Commissioner Priebe asked if the case involved anybody other than A.J. DeCoster whether staff would have brought it for referral, considering there were no fish killed and nothing reached the Iowa River and the spill was cleaned up.

Mr. Murphy replied “no,” adding that no one other than A.J. DeCoster has the record staff is saying warrants a referral. He noted that anytime there is a discharge of 80-100 milligrams of ammonia and it has a measureable impact on the stream they would be referred.

Gary Priebe asked if the discharge was a clear water type substance or actually hog manure.

Mr. Murphy stated that there was no description in the report of visual discoloration but it was liquid because it was with water flowing through a tile line. The reports indicated that at the tile line and at the location of the downstream sample they could smell the odor of animal waste.

Rita Venner commented that Mr. Smith alluded to Senate Confirmation for new members and she asked for clarification on that issue.

Mr. Murphy stated that he looked at the Code and is not aware of new members being precluded from doing business prior to confirmation by the Senate.

Director Wilson stated that unless Mr. Smith can provide a citation from the Code indicating new members are prohibited from voting, they can do so if they so desire. He related that there has been many votes taken on boards throughout state government between the time of the appointment and the time of confirmation by the senate, and to his knowledge there is nothing to prohibit them from doing that.

Mr. Smith stated that when he was researching the Commission's responsibilities he covered the appointment process and his understanding was that, for work sake, it requires confirmation by the senate, and he felt he was duty bound to state that he would object because that procedure had not been followed.

*Motion was made by Verlon Britt for referral to the Attorney General's Office. Seconded by Charlotte Mohr. Motion carried unanimously.*

**REFERRED**

Gary Priebe thanked Mr. Murphy for his candid and truthful answers to his questions, adding that it helped him decide to vote for referral.

## **GENERAL DISCUSSION**

Chairperson King asked about an update from the City of Lenox.

Mr. Murphy stated that he just received a letter earlier in the day and has not had a chance to read it. He related that staff have been receiving monthly updates, usually on the day of the Commission meeting. He noted that they are having some problems but are proceeding with their studies on changing to an anerobic lagoon.

Chairperson King mentioned a letter she received on this issue, from Jack Bailey, which was sent to him from Papetti's.

Director Wilson announced a meeting he is having with EPA and business/industry on Wednesday and invited the Commissioners to attend.

### ADDRESS ITEMS FOR NEXT MEETING

Attorney General Office Representative - update/status on monthly reports

Budget item on air issues

Director Wilson stated that he will not be able to attend the September meeting because he will be at a meeting of the International Fish and Wildlife Association at that time.

It was decided to have the October meeting in Newton; Commissioner Townsend will make arrangements for a meeting location.

### NEXT MEETING DATES

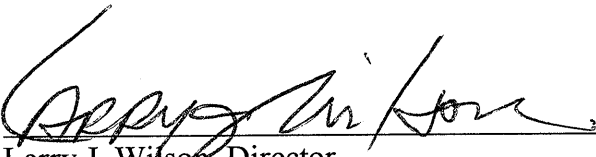

September 16, 1996

October 21, 1996

November 18, 1996

### ADJOURNMENT

With no further business to come before the Environmental Protection Commission, Chairperson King adjourned the meeting at 2:30 p.m., Monday, August 19, 1996.

  
\_\_\_\_\_  
Larry J. Wilson, Director  
\_\_\_\_\_  
Rozanne King, Chair  
\_\_\_\_\_  
Charlotte Mohr, Secretary

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